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Committee on Civil Liberties, Justice and Home Affairs

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DRAFT REPORT

on the proposal for a Council framework decision on the right to interpretation
and to translation in criminal proceedings
(COM(2009)0338 – C7-0133/2009 – 2009/0101(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sarah Ludford

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council framework decision on the right to interpretation and to translation in criminal proceedings
(COM(2009)0338 – C7-0133/2009 – 2009/0101(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2009)0338),
 - having regard to Article 39(1) and Article 31(1)(c) of the EU Treaty, pursuant to which the Council consulted Parliament (C7-0133/2009),
 - having regard to Rules 100, 55 and 44(4) of its Rules of Procedure,
 - having regard to the opinions forwarded to the European Parliament by the national parliaments of the Republic of Austria (Nationalrat and Bundesrat), the Republic of Bulgaria, the Kingdom of Denmark, the French Republic (Senate), the Federal Republic of Germany (Bundestag), the Republic of Hungary, the Italian Republic (Senate), Ireland, the Republic of Latvia, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands (Tweede Kamer and Eerste Kamer), the Republic of Poland (Sejm), the Portuguese Republic, Romania (Camera Deputatilor), the Republic of Slovenia, the Kingdom of Spain (Congress), and the United Kingdom (House of Lords),
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A7-0000/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to amend its proposal accordingly;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Calls on the Council not to formally adopt the initiative prior to the entry into force of the Treaty of Lisbon so as to allow the final act to be finalised ensuring a full role and control by the Court of Justice of the European Union, the Commission and Parliament (Protocol 36 to the Treaty of Lisbon on transitional provisions). That being the case, is committed to considering any further proposal by urgent procedure;
 6. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a Council framework decision Recital 5

Text proposed by the Commission

(5) Although all Member States are parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), experience has shown that this in itself does not always provide a sufficient degree of trust in the criminal justice systems of other Member States.

Amendment

(5) Mutual recognition is contingent on trust. Recognition of decisions in criminal matters presupposes that Member States have trust in each other's criminal justice systems. Adherence to the standards set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted and refined in the case-law of the European Court of Human Rights, forms the basis for such trust and represents the minimum standards to be observed by Member States of the European Union. This Framework Decision, on which the Council of Europe has advised, is intended to both reaffirm and build on those minimum standards. In the implementation of this Framework Decision, Member States should not in any event fall below the standards set out in the Convention and in the case-law of the European Court of Human Rights.

Or. en

Justification

To achieve mutual trust, this Framework Decision should both strengthen observance of ECHR standards and build on them within the EU.

Amendment 2

Proposal for a Council framework decision Recital 8

Text proposed by the Commission

*(8) The right to interpretation and translation for those who do not understand the language of the proceedings **are** enshrined in Articles 5 and 6 of the ECHR,*

Amendment

*(8) The right to interpretation and translation for those who do not understand the language of the proceedings **is** enshrined in Articles 5 and 6 of the ECHR,*

as interpreted by the case law of the European Court of Human Rights. The provisions of this Framework Decision facilitate the application of those rights in practice.

as interpreted by the case law of the European Court of Human Rights. The provisions of this Framework Decision facilitate the application of those rights in practice ***in the context of criminal proceedings, including the pre-trial, sentencing and any appeal phases until a final appeal is concluded.***

Or. en

Justification

This amendment reflects the fact that the scope of application of article 5 ECHR is wider than criminal proceedings.

Amendment 3

Proposal for a Council framework decision Recital 9

Text proposed by the Commission

(9) The provisions of this Framework Decision should ensure that the rights of the suspect who does not speak and understand the language of the proceedings to understand the accusations brought against him and to understand the proceedings in order to be able to exercise his rights are protected by providing free and accurate linguistic assistance. This assistance should be extended, ***if necessary***, to relations between the suspect and his defence counsel.

Amendment

(9) The provisions of this Framework Decision should ensure that the rights of the suspect who does not speak and understand the language of the proceedings to understand the accusations brought against him and to understand the proceedings in order to be able to exercise his rights are protected by providing free, ***high-quality*** and accurate linguistic assistance ***with adequate time and facilities to safeguard the fairness of the proceedings***. This assistance should be extended to relations between the suspect and his defence counsel, ***and in the case of detention to all official contacts between the detaining authorities and the detainee.***

Or. en

Justification

The counterpart of amendments to article 1(2) on the scope of the right and to 5(4)(new) on time needed for translation and interpretation during proceedings.

Amendment 4

Proposal for a Council framework decision Recital 10

Text proposed by the Commission

(10) Appropriate assistance should be provided also to suspects suffering from hearing or speech impediments.

Amendment

(10) Appropriate assistance should be provided also to suspects suffering from ***physical or mental impairments which affect their ability to communicate effectively, such as*** hearing or speech impediments.

Or. en

Justification

The counterpart to the amendment to article 2(5) on assistance in case of physical or mental impairment.

Amendment 5

Proposal for a Council framework decision Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In order to safeguard the fairness of the proceedings, a comprehensive legal framework should be created without delay. This framework should include: proper respect for the principle of the presumption of innocence; the right to equal treatment in the granting of bail; the right to legal advice and if necessary free legal assistance; the right to information about rights (Letter of Rights); the right to adduce evidence; the right to specific assistance for vulnerable suspects; the protection of juvenile suspects; the right to communicate with consular authorities and third parties; minimum standards for detention and accessible mechanisms of redress.

Justification

This Framework Decision on rights to interpretation and translation is only the first legal instrument in the chosen step-by-step approach. It must be speedily followed by proposals from the Commission on other fundamental procedural rights.

Amendment 6

**Proposal for a Council framework decision
Recital 12**

Text proposed by the Commission

(12) Member States should be under a duty to provide training to judges, lawyers and **other** relevant court personnel in order to ensure the quality of the interpretation and translation.

Amendment

(12) Member States should be under a duty to provide training to judges, **prosecutors**, lawyers, **police** and relevant court personnel in order to ensure **and assess** the quality of the interpretation and translation **and to be able to assess the suspect's linguistic needs**.

Justification

The counterpart of the amendment to article 5(2) on training.

Amendment 7

**Proposal for a Council framework decision
Recital 14 a (new)**

Text proposed by the Commission

Amendment

(14a) This Framework Decision should be evaluated in the light of the practical experience gained. If appropriate, it should be amended so as to improve the safeguards which it lays down.

Justification

In accordance with articles 7 and 8 as amended.

Amendment 8

**Proposal for a Council framework decision
Article 1 – paragraph 1**

Text proposed by the Commission

1. This Framework Decision lays down rules concerning the rights to interpretation and translation in criminal proceedings and proceedings for the execution of a European Arrest Warrant.

Amendment

1. This Framework Decision lays down rules concerning the rights to interpretation and translation in criminal proceedings, ***including the pre-trial, sentencing and any appeal phases until a final appeal is concluded,*** and proceedings for the execution of a European Arrest Warrant.

Or. en

Justification

It is important that individuals have access to interpretation and translation, not only inside the court room, but during all phases of the criminal proceedings. This amendment is the counterpart to the amendments on articles 2(1) and 2(2).

Amendment 9

**Proposal for a Council framework decision
Article 1 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. For the purpose of this Framework Decision, the term "suspect" should be read as meaning a person suspected, arrested, prosecuted or convicted as long as the criminal proceedings to which the right to interpretation and translation applies have not been finally disposed of.

Or. en

Justification

The Framework Decision should apply to all phases of the criminal proceedings, including pre-trial, sentencing and any appeal phase, and therefore the term "suspect" needs to be read accordingly.

Amendment 10

Proposal for a Council framework decision Article 1 – paragraph 2

Text proposed by the Commission

2. Those rights apply to any person from the time that person is ***informed*** by the ***competent*** authorities of a Member State ***that he is suspected of having committed a criminal offence*** until the conclusion of the proceedings (***the “suspect”***).

Amendment

2. Those rights apply to any person from the time that person is ***questioned or arrested*** by the authorities of a Member State ***in connection with a criminal offence or otherwise made aware that he is under suspicion*** until the conclusion of the proceedings, ***including sentencing and the resolution of any appeal, and during detention to all official contacts between the detaining authorities and the detainee.***

Or. en

Justification

The person concerned should be guaranteed the right to interpretation and translation from a very early stage in the proceedings and throughout their duration.

Amendment 11

Proposal for a Council framework decision Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The suspect shall be informed of the rights laid down in this Framework Decision without delay. This information shall be given in written form. Suspects with a visual impairment or reading disability should be notified orally, in a language which they understand, of these rights.

Justification

In order to safeguard of the fairness of the proceedings the suspected person must know what rights he has to linguistic help. If such information is not provided in written form the suspect may not be able to fully benefit from his rights. Special provision should also be made for persons with disabilities.

Amendment 12

**Proposal for a Council framework decision
Article 1 – paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2b. Unless otherwise provided for in this Framework Decision, the meaning of the provisions of Articles 2 to 5 of this Framework Decision which correspond to rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms shall be the same as that established by that Convention and as developed in the relevant case-law of the European Court of Human Rights.

Or. en

Justification

This emphasises the need for consistency with the ECHR and Strasbourg case-law.

Amendment 13

**Proposal for a Council framework decision
Article 2 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall ensure that a suspect who does not understand **and** speak the language of the criminal proceedings concerned is provided with interpretation, in order to safeguard the

1. Member States shall ensure that a suspect who does not understand **or** speak the language of the criminal proceedings concerned is provided **without delay** with **adequate** interpretation, in order to

fairness of the criminal proceedings. Interpretation shall be provided during those proceedings before investigative and judicial authorities, including during police questioning, *during all necessary meetings between the suspect and his lawyer*, during all court hearings *and* during any *necessary* interim hearings.

safeguard the fairness of the criminal proceedings. Interpretation shall be provided during those proceedings before investigative and judicial authorities, including during police questioning, during all court hearings, during any interim hearings *and in the case of detention for official contacts between the detaining authorities and the detainee*.

Or. en

Justification

Interpretation should be provided if the suspect or accused person either doesn't understand the language of the proceedings or cannot speak it, or both. In introducing the word "necessary", the Commission's proposal makes it unclear what the rights of the suspect are to interpretation.

Amendment 14

Proposal for a Council framework decision Article 2 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that, *where necessary*, legal advice received throughout the criminal proceedings is interpreted for the suspect.

Amendment

2. Member States shall ensure that legal advice received throughout the criminal proceedings is interpreted for the suspect *on request*.

Or. en

Justification

It is not clear who would decide that interpretation should be provided and it is therefore preferable to remove this test of necessity and rely on the specification that interpretation between a suspect and his lawyer should be provided on request.

Amendment 15

Proposal for a Council framework decision Article 2 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that there is a right of appeal against a decision finding that there is no need for interpretation.

Amendment

4. Member States shall ensure that there is a right of appeal **to a judicial authority** against a decision finding that there is no need for interpretation **as well as a mechanism for complaints and an opportunity to secure a replacement interpreter in order to ensure compliance with Article 5(2)**.

Or. en

Justification

It is necessary to specify the body competent for hearing an appeal, and in the interests of justice, this must be a judicial authority. In addition, a complaints mechanism should be provided.

Amendment 16

Proposal for a Council framework decision Article 2 – paragraph 5

Text proposed by the Commission

5. The right to interpretation includes assistance **of** persons with **hearing or speech impediments**.

Amendment

5. The right to interpretation includes **linguistic** assistance **to** persons with **physical or mental impairments**.

Or. en

Justification

Interpreters may not be appropriately trained in aiding persons with physical or mental impairments, and it is essential that such persons receive appropriate linguistic assistance throughout the proceedings.

Amendment 17

Proposal for a Council framework decision Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure that when interviews with the suspect have been conducted by police or prosecutors with the aid of an interpreter, an audio or video recording is made, which shall be provided to any party in the event of a dispute.

Or. en

Justification

It is vital in the case of appeals or disputes that the quality and reliability of the interpretation can be checked through access to recordings.

Amendment 18

Proposal for a Council framework decision Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Technology such as video-links, telephone or internet access may be employed as a last resort when the personal attendance of an interpreter is impossible, such as when a requirement arises at very short notice, and where its use does not compromise the right to a fair trial. This option should not be used for proceedings taking place in court.

Or. en

Justification

Technological facilities should only be used if personal attendance of an interpreter is impossible, such as in an emergency situation or when rarer languages and dialects are involved and where the right to a fair trial is not prejudiced.

Amendment 19

Proposal for a Council framework decision Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that a suspect who does not understand the language of the criminal proceedings concerned is provided with translations of all essential documents in order to safeguard the fairness of the criminal proceedings.

Amendment

1. Member States shall ensure that a suspect who does not understand the language of the criminal proceedings concerned is provided with translations of all essential documents **promptly** in order to safeguard the fairness of the criminal proceedings.

Or. en

Justification

An accused person needs to be able understand the documentary material at an early stage in the proceedings in order to have time to mount a credible defence.

Amendment 20

Proposal for a Council framework decision Article 3 – paragraph 2

Text proposed by the Commission

2. The **essential** documents to be translated shall include the detention order depriving the person of his liberty, the charge/indictment, essential documentary evidence **and** the judgment.

Amendment

2. The documents to be translated shall include **but not be limited to** the detention order depriving the person of his liberty, the charge/indictment, essential documentary evidence, **key witness statements**, the judgment **and in the case of detention the rules applying in the place of detention, including how to seek information and make complaints**.

Or. en

Justification

In order for the accused to understand in detail the nature of the accusation against him and his rights and duties if detained, the concept of "essential" documents should be expanded through a non-exhaustive list to include key witness statements and the rules of any place of detention.

Amendment 21

Proposal for a Council framework decision Article 3 – paragraph 3

Text proposed by the Commission

3. The suspect or his lawyer may submit a reasoned request for translation of further documents, ***including written legal advice from the suspect's lawyer.***

Amendment

3. The suspect or his lawyer may submit a reasoned request for translation of further documents.

Or. en

Justification

This is in accordance with article 3(3a) new, which enlarges on the right to translation of written legal advice.

Amendment 22

Proposal for a Council framework decision Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that written legal advice from the suspect's lawyer is translated at the request of the suspect or his lawyer.

Or. en

Justification

This is the counterpart to article 2(2), as amended, on interpretation.

Amendment 23

Proposal for a Council framework decision Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that there is a right of appeal against a decision to refuse translation of any documents referred to in paragraph 2.

Amendment

4. Member States shall ensure that there is a right of appeal **to a judicial authority** against a decision to refuse translation of any documents referred to in paragraph 2, **3 and 3a, as well as a mechanism for complaints in order to ensure compliance with Article 5(2).**

Or. en

Justification

It is necessary to specify the body competent for hearing an appeal, and in the interests of justice, this must be a judicial authority. The scope of appealable refusal decisions should be widened. In addition, a complaints mechanism should be provided.

Amendment 24

Proposal for a Council framework decision Article 4 – paragraph 1

Text proposed by the Commission

Member States shall cover the costs of interpretation and translation resulting from the application of Articles 2 and 3.

Amendment

Member States shall cover the costs of interpretation and translation resulting from the application of Articles 2 and 3, **irrespective of the outcome of the proceedings.**

Or. en

Justification

The European Court of Human Rights has ruled out, as explained in paragraph 18 of the Explanatory Memorandum to the proposal, any possibility of the State asking for payment where the accused is convicted. This needs to be reflected in the wording of Article 4 itself.

Amendment 25

Proposal for a Council framework decision Article 5 – paragraph 2

Text proposed by the Commission

2. Member States shall offer training to judges, lawyers and *other* relevant court personnel in order to ensure the suspect's ability to understand the proceedings.

Amendment

2. Member States shall offer training to judges, **prosecutors**, lawyers, **police** and relevant court personnel in order to ensure the suspect's ability to understand the proceedings **and to be able to assess the suspect's linguistic needs**.

Or. en

Justification

Training is needed not only to be able to ensure quality but also to be able to make an assessment of what linguistic support a person may need.

Amendment 26

Proposal for a Council framework decision Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to guarantee a high standard of interpretation and translation and efficient access to it, Member States shall ensure that a national register of independent, qualified translators and interpreters is established and available to lawyers and relevant authorities, including on a cross-border basis.

Or. en

Justification

Member States must take concrete steps to facilitate the access of relevant personnel to the services of professional interpreters and translators. A national registry of qualified practitioners will also mean that a comprehensive range of languages will be accessible.

Amendment 27

Proposal for a Council framework decision Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The procedural rules of the Court shall take account of the time needed for the translation of documents, including transcripts of interviews and the interpretation of proceedings.

Or. en

Justification

When courts consider time estimates, interpreters/translators should be consulted first, as the time required to translate, transcribe and deal with recorded material can be underestimated. The rules should allow a margin for extensions of time for this purpose.

Amendment 28

Proposal for a Council framework decision Article 7 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to comply with the provisions of this Framework Decision *by* at the latest.

Member States shall take the necessary measures to comply with the provisions of this Framework Decision at the latest ***2 years after its entry into force.***

Or. en

Amendment 29

Proposal for a Council framework decision Article 8

Text proposed by the Commission

Amendment

The Commission shall, *by* , submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the

The Commission shall, ***3 years after the entry into force of this Framework Decision***, submit a report to the European Parliament and to the Council, assessing

necessary measures in order to comply with this Framework Decision, accompanied, if necessary, by legislative proposals.

the extent to which the Member States have taken the necessary measures in order to comply with this Framework Decision, accompanied, if necessary, by legislative proposals, *so as to improve the safeguards which is lays down.*

Or. en

EXPLANATORY STATEMENT

In 2004 the Commission made a proposal for a Council Framework Decision on procedural rights in criminal proceedings throughout the EU (COM (2004) 348), covering a reasonably wide set of matters. The Parliament strongly supported the proposal, agreeing with the Commission that trust between Member States in the field of judicial cooperation would be greatly enhanced by harmonised rights for individuals in investigations and judicial proceedings.

However, due to the failure of Member States to reach agreement, in 2007 negotiation in the Council for this wide measure was abandoned. But the Swedish Presidency has revived efforts in the form of an overall 'Roadmap' outlining a step-by-step approach and in July 2009 the Commission proposed a Council Framework Decision (COM (2009) 338) devoted exclusively to the right to interpretation and to translation in criminal proceedings. In a deplorably minimalist approach to democratic engagement, the European Parliament is being consulted neither on the Roadmap nor on the resolution concerning practical implementation of the language rights framework decision.

The Commission intends to follow up this proposal with others which will gradually introduce other procedural rights throughout the EU. These should include, but not be limited to, those within the scope of the earlier proposal: the right to legal advice and assistance, the right to information about rights (a 'Letter of Rights'), the right of vulnerable defendants to specific support, and the right to communicate with consular authorities and third parties such as family or friends. Other matters such as the right of foreign defendants to be considered for grant of bail on a non-discriminatory basis should also be covered.

These proposals should be brought forward as soon as possible since procedural rights are closely linked to each other. For instance the right to effective translation and interpretation can be undermined by insufficient information about rights or the unavailability of prompt or free legal advice. EU criminal and judicial cooperation is developing in an unbalanced way, with more priority being given to the needs of prosecution and law enforcement than to the rights of the defence (as the European Arrest Warrant shows), and the lack of firm procedural safeguards for individuals subjected to judicial systems they may poorly understand is a gap that should not be allowed to continue.

Position of the rapporteur

This step-by-step approach is second-best, and while better than no action at all, it is essential that the momentum is kept up. This means not only that the Roadmap must be completed but also that further confidence-building and rights-enhancing measures must be effected in the near future.

Adherence to the standards set out in the European Convention of Human Rights (ECHR) must form the basis for the mutual trust upon which EU mutual recognition in judicial matters is contingent and represent the minimum standards below which no EU state must fall. The rights in this Framework Decision are thus based on Articles 5 (on the right to liberty and security) and Article 6 (on the right to a fair trial) of the Convention. Article 5 gives the right not to be detained except in accordance with 'a procedure prescribed by the law' and therefore

its scope is wider than what takes place in court. This is reflected in the application of this Framework Decision to pre-trial questioning and in certain circumstances to proceedings brought by administrative authorities, although there are many situations to which Article 5 applies to which this EU measure does not, e.g. mental health detention.

But since the EU is aiming to establish a single area of justice, with common rules and intensive cooperation, the Framework Decision and its counterparts to follow must build on the ECHR and set standards for protection of suspects and defendants at a higher level than those it guarantees. The right to a fair trial is recognised by all EU states as both ECHR and EU treaty signatories as a basic human right. Any extra costs that the Framework Decision will impose on Member States are firstly, the irreducible cost of securing fair convictions and avoiding miscarriages of justice and secondly, will be balanced by fewer costly appeals and delays. The non-binding Council Resolution on best practice which is to accompany the Framework Decision must under no circumstances have the effect of depriving individuals of rights in this legislative measure.

This report amends the Commission proposal in several ways, including:

- the applicability of the rights to be triggered by questioning or awareness of suspicion, not by the suspect being informed by the authorities,
- extension of the rights to cover all sentencing and appeal proceedings until criminal proceedings are finally disposed of, thus including time spent in detention even after conviction,
- specifying that the suspect should be made aware in writing of his rights,
- inclusion of support for persons suffering from physical or mental disabilities to compensate for a lack of linguistic skills,
- removal of the arbitrary test of 'necessity' in favour of a test of 'adequacy' in ensuring the fairness of proceedings, in particular providing for interpretation and translation of legal advice on request of the suspect or his lawyer,
- recording of interviews where an interpreter has been used, essential in case there is a dispute about what was said,
- written materials translated to include all the essential documents of the case and in sufficient time to prepare a defence,
- appeals to be to a judicial authority and a mechanism for complaints added,
- reinforcing and broadening the provisions on training,
- adequate time and facilities to be given, and court rules to take account of interpretation and translation needs,
- registers of independent qualified interpreters and translators (the rapporteur notes and welcomes the moves to set up a non-profit European Legal Interpreters and Translators Association).