



Interpretation and Translation Directive

Policy Brief



Policy Brief

Interpretation and Translation Directive

An assessment of fifteen years of implementation, examining progress achieved and persistent structural barriers to ensuring timely, free and adequate linguistic assistance for suspects and accused, across the European Union.

About Fair Trials

Fair Trials (FT) is a non-governmental organisation based in Brussels, focused on improving the right to a fair trial in accordance with international standards. Our work combines: (a) helping suspects to understand and exercise their rights; (b) building an engaged and informed network of fair trial defenders (including NGOs, lawyers and academics); and (c) fighting the underlying causes of unfair trials through research, litigation, political advocacy and campaigns.

An important strand of our work consists of research, and we have conducted significant research in the specific field of criminal justice in general and in particular, on the six EU Directives on procedural rights for suspects and accused persons. We published [guidelines for practitioners on the Directive on the Right to Interpretation and Translation](#) as part of the Toolkit on EU procedural rights series.

Our research showed that in 2020, the transposition of the Directive into the law of Member States had been broadly completed. However, there were still many outstanding issues that undermined the effectiveness of the rights guaranteed by the Directive. Some of these issues relate to the very core of the right to interpretation and translation, such as the failure to properly assess the interpreting needs of the suspect or accused person, the insufficient quality of legal interpretation, the failure to provide interpretation services for client-lawyer communication, and the broad use of oral translations.

Fair Trials also supports strategic litigation. The organisation works with affected individuals, defence lawyers and other organisations to provide legal arguments that will create positive case law. It intervened in leading cases which have advanced access to interpretation and translation. For example, an intervention was made before the ECtHR in the case of *Vizgirda v. Slovenia* (Application no. 59868/08) and, in collaboration with the European Criminal Bar Association (ECBA) a [successful intervention](#) was made in June 2024 before the Italian Constitutional Court in a case concerning the compensation of court interpreters.

Fair Trials also coordinates the Legal Experts Advisory Panel (LEAP), the leading criminal justice network in Europe, consisting of over 200 criminal defence law firms, academic institutions, people with lived experience, and civil society organisations. More information about the network and its work on the right to a fair trial in Europe can be found at: <https://www.fairtrials.org/legal-experts-advisory-panel>

LEAP members have identified challenges within their jurisdictions that limit access to timely and reliable interpretation and translation. These concerns were also highlighted during the 2025 LEAP Annual Conference, held on 21–22 February in Milan, where participants examined the impact of interpretation and translation on the fairness of criminal proceedings. Attending practitioners emphasised several systemic shortcomings, including the absence of professional standards and official registries for interpreters and translators, insufficient remuneration for these services, and the lack of clear quality assurance frameworks and effective mechanisms to challenge inadequate interpretations or translations.

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VOICES FROM EXPERIENCE: What the Absence of Interpretation and Translation Means in Practice

The following contribution was written by members of EIPAC (European Impacted Persons Advisory Council), Fair Trials' advisory body of people with lived experience of criminal proceedings across Europe.

The lack of interpretation and translation at any encounter, particularly during the earliest stages of criminal proceedings, fundamentally undermines a person who is accused's right to understand and participate in proceedings that directly affect their liberty and future. Without clear communication at, for example, in the arrest phase, a person accused¹ may not know that they are under arrest, the reasons for it, or when informal conversations have become official questioning. They may not know who they are speaking to, what authority that person holds, or that their answers can be used against them at a later stage.

As proceedings progress to the investigative phase, and in the intended absence of qualified interpretation, information is often relayed informally, inaccurately, or selectively. Important information is sometimes relayed by individuals who are not neutral or who do not fully understand either the questions or the answers. This exposes the person accused to serious risks, including misstatements being recorded as fact, intentions being misunderstood, and answers being given on their behalf without their knowledge or agreement. This creates a climate of confusion and vulnerability, where coercive tactics may be used by police officials to induce fear. This leaves the person accused feeling intimidated and unable to make informed decisions. Under pressure, individuals may be rushed into signing documents in a language they do not understand, which has far-reaching consequences later on in the proceedings.

¹ Throughout this report, we refer to "person suspected and accused" rather than "suspect and accused person." This is a deliberate editorial choice. Language shapes how we think about people, and in criminal justice systems across Europe, those who are arrested, prosecuted, or detained are too often reduced to their legal status, stripped of their humanity before any verdict has been reached. By placing "person" first, we want to affirm that the individuals at the centre of this report are, above all, people. This choice reflects the influence of the European Impacted Persons Advisory Council (EIPAC), whose members, people with lived experience of criminalisation, have shaped Fair Trials' work and reminded us that reform starts with how we speak about those most affected by the system.

During preparation for pre-trial hearings, procedures, rights, and next steps are not explained in advance, meaning that events unfold suddenly and without warning. Because explanations often come only after decisions have been made, errors cannot be corrected in time. Being consistently excluded from real-time communication during the preparation phase increases the likelihood of mistakes and missed opportunities. The person accused is unable to ask questions, clarify misunderstandings, or challenge inaccuracies, leaving them vulnerable to manipulation and procedural abuse. Especially in classified cases, where the person accused already has very limited access to information, the absence of appropriate translations makes it almost impossible for them to mount an effective defence that prevents the matter from proceeding to trial.

During court appearances, the lack of real-time interpretation prevents meaningful participation. The person accused may not fully understand the charges being discussed, the evidence presented, or the arguments made by legal representatives. Court proceedings may move quickly, leaving little opportunity to seek clarification. This creates a situation in which the person accused is physically present but effectively excluded from their own trial. This enforced passivity reinforces a sense of helplessness, as the person accused is obliged to rely entirely on others to speak on their behalf. Even where interpretation is eventually provided at this stage, it cannot fully remedy the damage caused by earlier miscommunication. Decisions made during the investigative phase - often based on misunderstood or misrepresented information - continue to shape the outcome of the case.

The need for interpretation and translation does not end in the courtroom. In the prison context, this right remains essential and is a direct continuation of the criminal proceedings. Without it, the vulnerability of the person accused - now a detained individual - is significantly exacerbated. Prison regulations, as well as the prisoner's official rights and obligations, must be translated into a language they understand. Without access to this information, individuals cannot navigate daily life in detention, comply with rules, or assert their rights. The same right to interpretation and translation should apply to any disciplinary proceedings a prisoner may face. Without it, the individual may not understand the allegations against them, the procedures being followed, or the consequences of any decisions made. This mirrors the same risks present in earlier stages: miscommunication, inability to respond effectively, and exposure to unfair outcomes.

In the longer term, the cumulative effect of these failures - across the pre-trial, trial, sentencing and prison phases - prevents the person accused from mounting an effective

defence and participating meaningfully in their own case. Without understanding evidence, case updates and procedures, dialogue exchanged in court, or even one's basic rights, persons accused cannot plan strategically or challenge inaccuracies. The damage caused by the absence of timely and accurate interpretation is often irreversible and far-reaching.

INTRODUCTION

1. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (the Directive) entered into effect on the 15th of November 2010 and became directly applicable from the end of the transposition deadline on 27 October 2013. It governs persons suspected and accused's right to interpretation during police interviews, hearings, and meetings with their lawyer, as well as their right to translation of essential documents.
2. Fifteen years after its entry into force and more than a decade after the transposition deadline, formal compliance with the Directive is largely complete across Member States. However, evidence gathered in this report, through practitioner consultations and legal analysis, demonstrates that in practice, significant shortcomings persist.
3. These shortcomings are systemic rather than isolated, and they continue to undermine the effectiveness of defence rights. They were also confirmed in the 2018 European Commission Report on the implementation of Directive 2010/64/EU on the right to interpretation and translation, which has raised issues of compliance in several Member States, in particular for communication between persons suspected or accused and their legal counsel, the translation of essential documents and the costs of interpretation and translation.² The report stresses that '*unless remedied, such divergences may negatively affect the effectiveness of the rights provided for by this Directive*'.
4. In this report, we focused on some of the issues which are mostly under-researched when it comes to the transposition of the interpretation and translation Directive. We looked at:

² Report from the Commission to the European Parliament and the Council on the implementation of Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, [link](#), 18.12.2018

- Access to interpretation for communication between defendants and their legal counsel;
 - Access to a remedy for lack of interpretation and translation;
 - Translation of essential documents;
 - Quality of interpretation and translation;
 - Registry of appropriately qualified, independent translators and interpreters;
 - Appropriate funds.
5. In the context of this research Fair Trials organised a series of consultations with LEAP members from **Italy** (online meeting on 2nd of July 2025), **Greece** (online meeting on 4th of July 2025), **Portugal** (online meeting on 16th of July 2025), **Romania** (in person meeting on 17 November 2025) and **Ireland** (in person meeting on 8 December 2025). In these meetings, we had discussed with practitioners the **realities they witness in relation to access to interpretation and translation in their own jurisdictions, obstacles they face in practice and gaps in transposing the directive**.
6. We also reached out to the LEAP Advisory Board Members seeking their expert input into the realities of their jurisdiction. With their written contribution, we received additional valuable insight into how the directive is implemented in **the United Kingdom³, Cyprus, France, Germany, Estonia, the Czech Republic, Poland and Bulgaria**.
7. The report builds on the results of these discussions and written contributions as well as on our previous work in the field and desk research. It aims to determine the progress we have made in the EU in implementing this directive, to highlight some of the challenges that still persist and promote recommendations for better implementation.

³ Although the United Kingdom formally left the European Union on 31 January 2020, we also included information on this jurisdiction as we believe it to be relevant from a comparative analysis point of view.

THE RIGHT TO INTERPRETATION AND TRANSLATION

8. Fundamental rights form an integral part of the general principles of EU law. Under Article 6(1) of the Treaty on the Functioning of the European Union ('TFEU'), the European Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union ('the Charter', 'CFREU'), 'which shall have the same legal value as the Treaties'. Article 6(2) TFEU states that the Union shall respect fundamental rights, as guaranteed by the European Convention on Human Rights ("ECHR").
9. The relevant fundamental rights are enshrined in Article 47 and 48(2) CFREU, the right to a fair trial and the right of defence, and their ECHR counterparts in Article 6(1) and (3), which provides that *'Everyone charged with a criminal offence has the following minimum rights...to have the free assistance of an interpreter if he cannot understand or speak the language used in Court'*. The content of the rights defined in the Charter should offer, at a minimum, the same level of protection as in the ECHR. However, nothing prevents Union law from providing more extensive protection.⁴
10. The Directive elaborates upon these due process rights relating specifically to the obligations on interpretation and translations.
11. This is reflected in Recital 14 of the Directive, which provides that *'The right to interpretation and translation for those who do not speak or understand the language of the proceedings is enshrined in Article 6 of the ECHR, as interpreted in the case-law of the European Court of Human Rights. This Directive facilitates the application of that right in practice. To that end, the aim of this Directive is to ensure the right of suspected or accused persons to interpretation and translation in criminal proceedings with a view to ensuring their right to a fair trial.'*⁵
12. The ECtHR has found that *"construed in the context of the right to a fair trial guaranteed by Article 6, paragraph 3 (e) (art. 6-3-e) signifies that an accused who cannot understand or speak the language used in court has the right to the free assistance of an interpreter for the translation or interpretation of all those documents*

⁴ Article 52(3) Charter.

⁵ Recital 14 Directive 2010/64/EU.

*or statements in the proceedings instituted against him which it is necessary for him to understand in order to have the benefit of a fair trial.”*⁶

13. The Directive facilitates the application of that right in practice, by setting out the common minimum rules to be applied in the fields of interpretation and translation in criminal proceedings in EU member states, with a view to guaranteeing the right to a fair trial.

14. The right to translation and interpretation is a **gateway right**. In the absence of good quality translation and interpretation, the ability to understand the advice of a lawyer and to give instructions in relation to the allegations and the defence becomes meaningless. This was reviewed in detail by the ECtHR in *Baytar v. Turkey*, where the Court found that the failure to provide an interpreter to a suspect in police custody incurred a violation of art. 6 § 3 (e) together with art. 6 § 1:

“54. The Court takes the view that, as the applicant was not able to have the questions put to her translated and was not made aware as precisely as possible of the charges against her, she was not placed in a position where she could fully assess the consequences of her alleged waiver of her right to remain silent or her right to be assisted by a lawyer and thus to benefit from the comprehensive range of services that can be performed by counsel. Accordingly, it is questionable whether the choices made by the applicant without the assistance of an interpreter were totally informed.

*55. The Court finds that this initial defect thus had repercussions for other rights which, while distinct from the right alleged to have been breached, were closely related thereto and undermined the fairness of the proceedings as a whole.”*⁷

15. The Court then reaffirmed in *Knox v. Italy* that an interpreter ought to provide effective assistance to the conduct of the defence and ought not to threaten the fairness of the trial. *“Ses services doivent apporter à l'accusé une assistance effective dans la conduite de sa défense et son comportement ne doit pas être susceptible de porter atteinte à l'équité du procès”*⁸

⁶ ECtHR, *Luedicke, Blkacem and Koç v. Germany*, No. 6210/73, 6877/75, 7132/785 judgment of 28/11/78 § 48.

⁷ ECtHR, *Baytar v. Turkey*, No. 45440/04, judgment of 14 October 2014, § 52-59.

⁸ ECtHR, *Knox v. Italy*, 76577/13, judgment of 24 January 2019, § 184.

16. The obligation to respect fundamental rights requires Member States to ensure that the criminal process allows for the effective participation of an accused in the proceedings.⁹ In this regard, the Directive places a specific obligation to provide free and adequate linguistic assistance, allowing persons suspected or accused who do not speak or understand the language of the criminal proceedings to fully exercise their right of defence and safeguarding the fairness of the proceedings throughout the criminal process.¹⁰
17. Failure to provide for interpretation and translation in the criminal process undermines the rights of EU citizens. This was reiterated in the case of *Vizgirada v. Slovenia* where the ECtHR “*emphasises in this connection that the notification of the right to interpretation was an integral part of the authorities’ duty to provide adequate language assistance to the applicant in order to secure the right to a fair trial.*”¹¹
18. Member States must put in place all necessary measures to comply with this obligation.

INTERPRETATION FOR COMMUNICATION BETWEEN THE LAWYER AND THE DEFENDANT

19. The Directive provides that interpretation should be available for communication between a person suspected or accused and their legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications (art 2.2 of the Directive).
20. This right is also affirmed in the recitals of the directive, which recognise that ‘*suspected or accused persons should be able, inter alia, to explain their version of the events to their legal counsel, point out any statements with which they disagree and make their legal counsel aware of any facts that should be put forward in their defence.*’(para 19)
21. Whilst Article 6 § 3 (e) of the ECHR does not specifically cover the relations between the accused and their counsel, the jurisprudence of the ECtHR recognizes that the

⁹ ECtHR, *Stanford v. The United Kingdom*, No. 16757/90, judgment of 23 February 1994.

¹⁰ See Recital 17.

¹¹ ECtHR. *Vizgirada v. Slovenia*, No.59868/08, judgment of 28 August 2018, §99.

impossibility of an applicant to communicate with his or her lawyer due to linguistic limitations may give rise to an issue under Article 6 § 3 (c) and (e) of the Convention.¹²

National examples

22. This right is generally formally recognised by Member States. However, in practice, lawyers have shown that there are several obstacles which hinder its availability.
23. Lawyers from **Italy** have raised the fact that it is particularly difficult to access interpretation services when visiting detention facilities. They generally need to rely on their own interpreters in order to discuss with clients and pay for these services, whilst prison staff generally relies on other inmates to interpret.
24. Similarly, in the **Czech Republic**, practitioners have claimed that some police stations do not have access to qualified interpreters, which leads to logistical delays or reliance on remote interpretation in some cases. Also lawyer–client meetings sometimes depend on the availability of interpreters, so effective interpretation in private meetings can be limited if resources are insufficient or the interpreter is not present. For less common languages there are delays in securing interpreters. Because of this in practice access to interpretation may depend on location and language availability.
25. Lawyers from **Greece** explained that Article 233 of Law 4620/2019 states that, if necessary, interpretation shall be provided for communication between defendants and their counsel at all stages of the criminal proceedings. However, in practice this interpretation services for communication between defendants and their counsel are primarily available only in court proceedings, not at all stages as required. This is due to scarcity of qualified interpreters and low fees available for such services. Because of this, lawyers generally opt to act as translators themselves when they speak the language of their client.
26. The same issues were raised by lawyers from **Romania**, who have also mentioned the issue of legal aid lawyers who only meet their clients in courts. Available legal aid fees are very low and would generally not cover prison visits, which means that lawyers meet their clients only in court, shortly before a hearing. For defendants who do not speak or understand the language, if an interpreter is appointed by the court and present, in theory, they could use the assistance of the interpreter to discuss with the lawyer, but in practice, there is hardly any time for this and no dedicated space. When

¹² EctHR, Lagerblom v. Sweden, 2003, §§ 61-64; Pugžlys v. Poland, 2016, §§ 85-92

these discussions do happen, they would be held in open court, in the courtroom and near the inmate box, if the defendant is held in custody.

27. The situation is even more complicated for defendants who participate through videoconference in **Romania**. In this case, there is barely a chance to consult with a lawyer, at times this happens in a room full of other people and even in front of the judge and prosecutor, minutes before the hearing starts.
28. The situation seems to be better in **Ireland** where, according to practitioners, whenever an interpreter is needed for prison meetings between a lawyer and their client, the interpreter is paid by the State through invoices arranged by the lawyer.
29. Similarly in **Germany**, costs for necessary interpreter involvement in defence consultations are covered by the state to secure a fair trial. Appointments can be ordered by the court upon request, including for preparing applications and submissions in appellate/revision proceedings.

TRANSLATION OF ESSENTIAL DOCUMENTS

30. Persons suspected or accused have a right to receive, within a reasonable period of time, a written translation of all documents which are essential to ensure that they can exercise their right of defence and to safeguard the fairness of the proceedings (art 3.1. of the Directive).
31. Essential documents include any decision depriving a person of his liberty, any charge or indictment, and any judgment. There is no requirement to translate passages of essential documents which are not relevant for the purposes of enabling persons suspected or accused to have knowledge of the case against them. (art 3 para 2-4)
32. In addition, the directive also recognises the right of persons suspected or accused to ask for additional documents to be translated, and it is for the national authority to decide whether the requested documents can be considered essential and have to be translated (art 3 para 3).

When I opened that email in the middle of a Hamburg metro station, I didn't just feel confused—I felt erased. Receiving a life-altering notification from the Greek Asylum Service in a language I couldn't fully grasp was a form of administrative violence that paralysed my mind. The email felt like a cruel joke; a "scam-like" message with a hollow "best regards" that mocked the gravity of my situation. As I scrolled through pages of dense, untranslated Greek legalese, the only things I could recognise were my name and a case number—symbols of my identity now trapped in a system I couldn't navigate. By providing only a brief, half-page Arabic summary at the very end, the authorities didn't just withhold information; they weaponised my lack of fluency against me.

This linguistic exclusion triggered a deep, visceral psychological trauma. It forced me back into the shadows of my past under the Assad regime, where official documents were often precursors to disappearance and torture. Without a full translation of the evidence or clear directions on my rights, I was left to fill the silence with my worst fears. I wasn't just a "national threat" on paper; I was a human being stripped of the right to understand my own "crime", which is yet to be understood.

Wael Habbal – Member of the European Impacted Persons Advisory Council of Fair Trial

33. The ECtHR also recognises the right to have documents translated. In *Hermi v. Italy* (GC), the ECtHR explained that paragraph 3 (e) of Article 6 states that every defendant has the right to the free assistance of an interpreter.¹³ That right applies not only to oral statements made at the trial hearing but also to documentary material and the pre-trial proceedings. This means that an accused who cannot understand or speak the language used in court has the right to the free assistance of an interpreter for the translation or interpretation of all those documents or statements in the proceedings instituted against him which it is necessary for him to understand or to have rendered into the court's language in order to have the benefit of a fair trial.¹⁴

34. However, the ECtHR considers that oral interpretations may satisfy the requirements of the Convention, and it is not mandatory to translate all items of written evidence or official documents.¹⁵ Nonetheless, the interpretation should be such as to enable the

¹³ ECtHR, *Hermi v. Italy* (GC), no. 18114/02, 18 October 2006

¹⁴ ECtHR, *Luedicke, Belkacem and Koç v. Germany*, 28 November 1978, § 48, Series A no. 29

¹⁵ ECtHR, *Husain v. Italy* (dec.), no. 18913/03, 24 February 2005

defendant to have knowledge of the case against him and to defend himself, notably by being able to put before the court his version of the events.¹⁶

National examples

35. In discussions with legal practitioners, we have learned that serious hindrances still persist in ensuring access to translated essential documents.
36. Lawyers from **Portugal** explained that according to Article 92/3 and 6 Portuguese Criminal Procedure Code, the following documents should be translated: notifications relating to the (i) indictment, (ii) preliminary ruling (which is a decision of a pre-trial judge which assesses the Public Prosecutor decision to submit to trial or to acquit), (iii) contestation (defendant's written defense), (iv) setting of the trial date and the sentence, (v) application of coercive measures, (vi) application of asset seizure, (vii) deduction of the civil claim for damages. In addition, (viii) the defendant may submit a reasoned request for the translation of documents in the case file that he considers essential for the exercise of his right of defence.
37. However, the main issue in practice is the issue of quality and timeliness of these translations. The law refers to "reasonable time," but its meaning is vague, leaving room for interpretation. The quality of the translator is also crucial for the defence.
38. Portuguese lawyers have also been critical of the manner in which Article 3 (3) of the Directive 2010/64/EU was transposed. They raised the issue of evidence which is relied on in the indictment, which may include expert reports, such as laboratory analysis of substance samples and expert analysis of data from the defendant's mobile phone, documents issued by the Criminal Investigation Police, such as the arrest report, reports on searches and seizures, substance weighing records, reports on the overall analysis of the defendant's bank information as well as other police documents, transcripts of e-tapping of the defendant mobile phone and witnesses' interviews.
39. They argue that these are essential documents under Article 3(1) and (3) of Directive 2010/64/EU and should thus be translated. However, national courts deny these requests without any reasoning other than that these documents are not included in a specific list from the Code of Criminal Procedure.

¹⁶ ECtHR, *Güngör v. Germany* (dec.), no. 31540/96, 17 May 2001

40. They show that according to art Article 3(1) and (3), national legislation should allow for additional documents to be deemed essential and translated, on a case by case basis.
41. In **Italy**, as per the interpretation of the Italian Court of Cassation, there is no obligation to translate decisions for which the only available remedy is a cassation appeal. The reasoning being that in such a case, the defendant cannot personally appeal, only the counsel can, since such an appeal deals only with points of law rather than facts of the case,¹⁷ and as a result, it does not quantitatively or qualitatively increase his or her rights of defence, and no concrete limitation of those rights can really result from non-translation. Also, the defendant retains the right to participate personally in the trial with the assistance of an interpreter and enjoys the continuous technical assistance of his or her defence counsel. Consequently, the court found that the failure to translate a judgment against which the only remedy available is an appeal in cassation, in the absence of specific elements indicative of an impairment with regard to the full explication of the right of defence, cannot in itself be a cause for the nullity of a judgment.¹⁸
42. In **Romania** Art 329 (3) of the Code of Criminal Procedure only provides for the mandatory translation of the indictment. The indictment together with citations are the only documents which are mandatorily translated according to Romanian legislation. The indictment would include a summary of the main evidence used in the accusation. For the other documents and the case file, the suspect and accused are only entitled to an oral translation made by an interpreter, according to article 12 (3) of the Code of Criminal Procedure.
43. In **Ireland**, the law allows wider flexibility and space for the lawyer to decide what must be translated and to consult the client if additional translations are needed. There is no limit on pages or documents. However, the main problem is sending translated documents to clients in custody. They are sent via legal post, and it can take up to six months for the envelope to reach the client and prison officers may open the envelopes, raising confidentiality issues.

¹⁷ Law 103/2017 has removed the possibility for the accused of appealing personally to the Court of Cassation (see Art. 613 Code).

¹⁸ Italian Court of Cassation sec. I Criminal, ud. Dec. 5, 2024 (dep. Feb. 4, 2025), no. 4408

44. In **Poland** not all procedural documents are subject to translation according to Article 72 of the Criminal Procedure Code (CPC) but only the decision to present, supplement or amend the charges, the indictment and the judgement or other ruling subject to appeal or concluding the proceedings (Article 72.3 of the CPC) They are served on the defendant, ex officio, together with a translation but often times with a delay.
45. In **France**, essential documents that may be translated are often, if not always, not translated in their entirety, but only certain passages are translated, which may hinder the defendant's full understanding of the decision. Nonetheless, the Court of Cassation has consistently ruled that the absence of an official written translation of an essential document by the investigating judge does not invalidate the proceedings, provided that the rights of the defence and the exercise of remedies are not affected (Crim., 7 Jan. 2015, No. 14-86.226; 26 Jan. 2016; no. 15-80.299).

QUALITY OF INTERPRETATION AND TRANSLATION

46. According to the directive, the interpretation and/or translation provided should be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that persons suspected or accused have knowledge of the case against them and are able to exercise their right of defence (arts 2.8 and 3.9 of the Directive).
47. Article 5 of the Directive also establishes a positive obligation on Member States to take concrete measures to ensure that the interpretation and translation provided meet the quality required under Article 2(8) and Article 3(9).
48. This is echoed in the jurisprudence of the CJEU, which has stated that Member States should *"take concrete measures in order to ensure that the quality of the interpretation and translations provided is sufficient to enable the suspect or accused person to understand the accusation against him or her and in order that interpretation can be reviewed by the national courts."*¹⁹
49. As stated by the ECtHR, *"the obligation of the competent authorities is not limited to the appointment of an interpreter but, if they are put on notice in the particular circumstances, may also extend to a degree of subsequent control over the*

¹⁹ CJEU, Case C-564/19, Judgment of the Court (Grand Chamber) of 23 November 2021, paragraph 148

adequacy of the interpretation".²⁰ A failure of the domestic courts to examine the allegations of inadequate services of an interpreter may lead to a violation of Article 6 § 3 (e) of the Convention.

50. The quality requirement is rooted in the idea that the accused must be in a position to understand the process and be able to engage in their defence.

51. The translation and interpretation provided must be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that persons suspected or accused have knowledge of the case against them and can exercise their right of defence (arts 2.8 and 3.9 of the Directive).

52. In this regard, the CJEU has held that "*compliance with the requirements relating to a fair trial means ensuring that the accused person knows what is being alleged against him or her and can defend himself or herself.*"²¹

53. The CJEU commented on the importance of the national courts being able to verify the '*sufficient quality*' of the interpretation through accessing information relating to the selection process of Interpreters:

*Thus, in order to ensure that the suspect or accused person who does not speak and understand the language of the criminal proceedings has nevertheless been properly informed of the allegations against him or her, the national courts must review whether he or she has been provided with interpretation of a 'sufficient quality' to understand the accusation against him or her, so that the fairness of the proceedings is safeguarded. To enable national courts to carry out that verification, those courts must, inter alia, have access to information relating to the selection and appointment procedure for independent translators and interpreters*²²

National examples

54. In all the jurisdictions analysed, practitioners have raised the issue of the quality of interpretation and translation. They have shown that in practice, there are real issues in accessing good quality interpretation and translation and that it is difficult to even

²⁰ ECtHR, *Vizgirda v. Slovenia*, No.59868/08, judgment of 28 August 2018, § 79

²¹ CJEU, C216/14, Judgment of 15 October 2015, *Covaci*, paragraph 39

²² CJEU, C-564/19, Judgment of the Court (Grand Chamber) of 23 November 2021

prove when the quality of these services is poor and when it actually impedes the fairness of the proceedings.

55. Generally, there are three main quality assurance mechanisms for interpreters and translators. The first one relates to qualification requirements and criteria to be appointed to work with the legal system. A second layer refers to the assessment of their activity, and the third one refers to the complaint mechanisms available, which may address concerns over their work.
56. In **France**, practitioners have shown that existing legislation is silent on the means of contesting the absence or quality of written translations. In practice, it is also extremely difficult to prove bad quality interpretation and translation. This is made even more complicated because of the lack of proper transcripts, court notes being just summaries, and a structural shortage of qualified and available translators, combined with recurring remuneration issues, factors that are widely documented and unanimously denounced by practitioners.
57. In **Cyprus**, Law 18(I)/2014 establishes explicit quality requirements, providing that interpretation and translation must be of sufficient quality to ensure a fair trial (Articles 4(6) and 5(8)). It also imposes confidentiality obligations on interpreters and translators, backed by criminal sanctions in cases of breach (Article 9).
58. In **Germany**, interpreters and translators engaged by courts are typically sworn/publicly appointed under uniform federal rules since 2023 (national regime for general oath and registry). A nationwide justice portal maintains a register of sworn interpreters/translators; appointments require proof of reliability and qualification (university degrees or equivalent). Courts can replace interpreters mid-proceeding if quality is inadequate; parties may object and request correction, re-interpretation, or repetition of procedural acts. There are also systemic controls which may lead to withdrawal of public appointment in case of persistent deficiencies. In the proceedings, defects can lead to interruption, adjournment or—if prejudicial—a successful revision based on violation of fair-trial rights and § 187 GVG.
59. In **Ireland**, a criminal case involving deficient translation and interpretation services caught the public's attention. In that case, the interpreter made numerous basic errors during the trial, which did not allow the defendants to effectively participate in the criminal proceedings and tell their stories. The case was Ireland's first female genital mutilation (FGM) case and it was the first time in Irish legal history that translation

issues were grounds for a successful Circuit Court appeal, and it showcases how bad interpretation can profoundly affect the ability of suspects and accused to defend themselves and of the court to establish basic facts of the case.²³

60. The interpreter was involved in the 2019 trial of a couple, originally from French-speaking regions of Africa, convicted of and imprisoned for the FGM of their 21-month-old daughter. The defence argued throughout the trial that the child's injury was accidental, caused by falling on a toy in the home. The Court of Appeal later found "serious, and potentially far-reaching, inaccuracies" in the interpretation at that criminal trial, and set the convictions aside in 2021. Lawyers have indicated that this interpreter still works for the state and they were not expelled from providing their services which shows the weak mechanisms to address poor quality interpretation even in cases with such legal precedence.

REGISTRY OF APPROPRIATELY QUALIFIED, INDEPENDENT TRANSLATORS AND INTERPRETERS

61. The Directive provides that member States should establish a register or registers of independent translators and interpreters who are appropriately qualified (art 5.2 of the Directive).

62. It, however, does not define criteria to establish what exactly constitutes an appropriately qualified translator and interpreter. This leaves a wide margin of appreciation for Member States and constitutes a major vulnerability in ensuring access to interpretation and translation.

63. Moreover, the CJEU explained that the Directive does not make it mandatory for Member States to establish a register of independent translators or interpreters but only presents the register as one of the means which can lead to fulfilling the obligation of adopting '*concrete measures*' to ensure the '*sufficient quality*' of the interpretation, so as to guarantee, first, that the persons concerned have knowledge of the case against them and are able to exercise their right of defence and, secondly, the sound administration of justice.²⁴

²³ RTÉ Investigates, [Interpreter in overturned FGM conviction worked on over 240 cases](#), 12 November 2025

²⁴ CJUE (Grand Chamber) Judgement of 23 November 2021, Case C-564/19, para 110

National examples

64. In discussions with legal practitioners, we have found that albeit such registries do exist in many jurisdictions, there are concerns with the vetting process. Many jurisdictions do not have clear and strict qualification requirements for professionals to be added to the registry and lack any formal means of examining the skills of the interpreters and translators added to the list.
65. This is the case in **Bulgaria**, where legal practitioners have warned that albeit the fact that registers exist, they have no real impact on the quality of services because there are no clear rules for control and verification of the competences of professionals added to the registry.
66. Another issue raised was the fact that in most jurisdictions courts or criminal investigation bodies may use other interpreters and translators, who are not on the registry, and in some countries, this seems it be a widespread practice. For example, in both **Greece** and **Portugal**, practitioners have claimed that it is common practice to use interpreters who are not listed on the registry and just use whoever is available, which in practice means that what was meant as an exceptional measure become more of a rule.
67. **Romania** has set up a registry and a vetting process, which includes an exam organised by the Ministry of Culture, which tests the language skills and allows those who pass it to submit a request to be authorised as judicial interpreters and translators by the Ministry of Justice.²⁵ The main problem is the scarcity of available interpreters and translators, particularly in less populated areas and for less common languages. This causes significant delays in ensuring access to interpretation and translation.
68. The situation is similar in **Poland**, where the Ministry of Justice keeps a registry of qualified translators and interpreters who meet formal requirements and are authorised to provide interpretation and translation for legal proceedings. However, low fees, together with long settlement periods and burdensome formal procedures discourages professionals from registering, resulting in significant shortages of interpreters and translators, particularly in less common languages.
69. **Ireland** does not have an official national registry but has a bidding system by which interpreters and translators are selected through a public tender for 3 years, after

²⁵ Romania, Law no. 178 of November 4, 1997

which a new tender is issued. There are no generally applicable minimum competencies required for obtaining the contract; some tenders may require a course or master's degree in legal interpretation.

70. In the **United Kingdom**, there are a number of registers and 'in order for interpreters to access work across the criminal justice system, they will require membership to several of these registers, all of which have different qualification and vetting requirements, and varying fees'.²⁶ In order to address this shortcoming, the Public Services Committee of the UK House of Lords recommended that the Government should set up a new independent single register of interpreters with a high standard of vetting and entry criteria.²⁷

71. In **Estonia**, there are no formal qualification requirements for interpreters and translators; the law merely states that they must be "proficient in language for specific purposes" [Code of Criminal Procedure, § 161(2)]. Due to this, translation and interpretation services in criminal proceedings can be provided by either (a) sworn translators, i.e. members of a regulated profession who have taken an exam and are subject to supervision by the Ministry of Justice, or (b) any other person who meets the criterion of being "proficient in language for specific purposes" [Code of Criminal Procedure, § 161(3)]. In practice, interpretation and translation services in criminal proceedings are rarely provided by sworn translators, meaning that the service providers have usually not passed any formal quality controls. For that reason, the quality of service varies a lot, and sub-par service is fairly commonplace.

72. Article 5.2 of the Directive also requires that the translators and interpreters from the registry are independent.

73. On the issue of independence and impartiality, the ECtHR has a restrictive approach, finding that

it is not appropriate under Article 6 § 3(e) to lay down any detailed conditions concerning the method by which interpreters may be provided to assist accused persons. An interpreter is not part of the court or tribunal within the

²⁶ UKHL Public Services Committee, *Lost in translation? Interpreting services in the courts*, 2nd Report of Session 2024-25, HL Paper 87 (24 March 2025), available at <https://publications.parliament.uk/pa/ld5901/ldselect/pubserv/87/87.pdf>, p 42.

²⁷ Ibid

*meaning of Article 6 § 1, and there is no formal requirement of independence or impartiality as such. The services of the interpreter must provide the accused with effective assistance in conducting his defence, and the interpreter's conduct must not be of such a nature as to impinge on the fairness of the proceedings.*²⁸

74. The ECtHR did however find a violation of Article 6 §§ 1 and 3 (e) of the Convention in a case in which the police interpreter was in fact an officer who had played a role that went beyond interpreting, seeking to establish a human and emotional relationship with the defendant, taking on the role of mediator and adopting a maternal attitude which were in no way required in the case. The ECtHR found that the authorities failed to assess the interpreter's conduct, to evaluate whether her duties as an interpreter had been performed in accordance with the guarantees provided for in Article 6 §§ 1 and 3 (e), and to consider whether her conduct had had an impact on the outcome of the criminal proceedings against the applicant. Because of this, the ECtHR found that this initial failure had thus had repercussions for other rights and had compromised the fairness of the proceedings as a whole.²⁹

75. The independence of interpreters and translators seems to be an overarching problem in several jurisdictions. Practitioners have raised the fact that there is a lack of guarantees for the independence of interpreters and translators.

76. Lawyers from **Greece** flagged that it is a widely spread practice that police officers act as interpreters during police questioning. They flagged that a police officer may be providing services as an interpreter, as there is no relevant provision (exclusion) according to the law, therefore it is accepted that the police officer who escorts the defendant to the court, provided that the court cannot appoint an interpreter from the relevant registry, can serve as an interpreter.

77. Practitioners from **Ireland** explained that for some less common languages interpreters come from the same communities as the defendants. In these cases, the dynamics changes, interpreters sometimes go beyond their role and may feel inclined to offer unsolicited advice. It also raises confidentiality concerns, as they do not need to sign a formal confidentiality agreement and sometimes defendants even refuse to be assisted by interpreters from their communities.

²⁸ Uçak v. the United Kingdom (decision), 2002, no. 44234/98

²⁹ Knox v. Italy, 2019, no. 76577/13, paras 184-188

ACCESS TO A REMEDY

78. The Directive prescribes the right to challenge a decision finding that there is no need for interpretation and, when interpretation has been provided, the possibility to complain about the quality of the interpretation when it is not sufficient to safeguard the fairness of the proceedings. (art 2.5).

79. The Directive leaves it to the Member States to decide how to secure that right, i.e. by using existing systems for remedies or establishing a separate mechanism for lodging and examining complaints. Article 47 of the EU Charter on the right to an effective remedy for violation of EU law requires such complaints to be subject to effective judicial oversight.

80. The ECtHR case-law has set a number of criteria for a remedy to be considered effective under the ECHR:

- the remedy must be accessible, prompt³⁰ and offer minimum guarantees of fairness by ensuring conditions that enable the applicant to challenge a decision that restricts their rights (e.g., equality of arms);³¹
- the complaint must be addressed on its substance (merits);³²
- the remedy must be capable of directly remedying the situation by granting appropriate relief,³³ i.e., the remedy must be capable of preventing the alleged violation or its continuation, or of providing adequate redress for any violation that had already occurred.³⁴

81. The ECtHR has found a breach of Article 6 § 3 (e) of the Convention taken together with Article 6 § 1 in a case in which the applicant was not provided with an interpreter while she was in police custody. The applicant had given a statement without an interpreter and that statement was not excluded by the trial court and was relied upon, together with other evidence, when the applicant was found guilty. Even though the applicant had an interpreter when she was brought before a judge following her police custody, the Court found that this measure did not remedy the defect „which

³⁰ ECtHR, Çelik and İmret v. Turkey, No. 44093/98, 26 October 2004, § 59.

³¹ ECtHR, Csüllög v. Hungary, No. 30042/08, 7 June 2011, § 46.

³² ECtHR, Hasan and Chaush v. Bulgaria, No. 30985/96, 26 October 2000, § 96.

³³ ECtHR, Pine Valley Developments Ltd and Others v. Ireland, No. 12742/87, 29 November 1991.

³⁴ ECtHR, Kudla v. Poland, No. 30210/96, 26 October 2000, § 158.

had vitiated the proceedings at their initial stage.” The court found that this initial defect had repercussions for other rights, for example her right to remain silent or to be assisted by a lawyer, and it had undermined the fairness of the proceedings as a whole.³⁵

82. However, the jurisprudence of the ECtHR, as exemplified in cases like *Ibrahim v United Kingdom*³⁶ and *Beuze v Belgium* (Application no. 71409/10) reflects an emerging practice of the ECtHR finding that ‘minimum rights guaranteed’ by Article 6(3) are ‘not ends in themselves’ and that their ‘non-observance’ does not result in a violation, courts being more inclined to focus on ‘the fairness of the criminal proceedings as a whole’. This led Judge Serghides to state in his dissenting opinion in the 2024 Case of *W.R. v. The Netherlands* (Application no. 989/18) that the case-law of the Court on Article 6 § 3 (c) is evolving in a manner which is less and less favourable to the right to a fair trial and to argue that there is a tendency of watering down relevant rights.

National examples

83. Across the EU an increasing number of jurisdictions analyse breaches of procedural rights in terms of their influence on the procedure as a whole and do not sanction individual breaches if courts consider that the procedure as a whole was fair.

84. **Romania** has developed a system of absolute and relative nullification. For lack of translation and interpretation, or improper translation and interpretation, the sanction would be a relative nullity, meaning that courts could set aside evidence and annul acts whenever there is a breach of rights that cannot be remedied in any other way but by nullifying the acts carried out in breach of those rights.³⁷

85. In **France**, the Court of Cassation has consistently ruled that the investigating judge's failure to have an essential document translated ex officio does not affect the validity of the acts performed, provided that the rights of the defence and the exercise of legal remedies have not been compromised and that the person being prosecuted retains the right to request a written translation throughout the proceedings.³⁸ Practitioners

³⁵ ECtHR, *Baytar v. Turkey*, Application no. 45440/04, 14 October 2014, § 54-59.

³⁶ ECtHR, *Ibrahim and Others v. the United Kingdom*, [Applications nos. 50541/08, 50571/08, 50573/08 and 40351/09](#), 13 September 2016

³⁷ Romania, Code of Criminal Procedure, art. 282

³⁸ Crim., 7 January 2015, No. 14-86.226; 26 January 2016, No. 15-80.299

have warned that in the absence of a system of substantive nullities, the right to translation of essential documents is rendered meaningless, in breach of the Directive.

86. The **German** Supreme Court (BGH) seems to have a different approach, and in the past, it has quashed judgments where an accused did not receive a written translation of the indictment in due time, and complexity did not allow an oral summary to suffice.³⁹
87. **Cypriot** law provides an explicit procedural remedy. Under Article 6 of Law 18(I)/2014, persons suspected, accused, and requested persons in European Arrest Warrant proceedings have the right to raise an oral objection where interpretation or translation is refused or considered inadequate. The competent authority must decide immediately, record both the objection and its reasoning in the case file or court record, and, where the objection is upheld, take appropriate measures.
88. The **Italian** Supreme Court ruled that complaints regarding the lack of translation of procedural documents into a language understandable to non-Italian-speaking defendants should be accepted only when there has been a concrete infringement of the right to defence.⁴⁰
89. This approach echoes a doctrine that values "actual prejudice" in the assessment of certain nullities.⁴¹ Legal practitioners have flagged that actual prejudice is sometimes required in addition to the statutorily presumed prejudice of nullity, basically adding to the law.
90. Also, the **Italian** Supreme Court ruled that it is for the non-Italian-speaking defendant personally—and not their counsel—to raise violations of the obligation to translate documents.⁴² This is because such objection is a personal act that cannot even be substituted by a declaration from the defence counsel in court, even in the presence of the defendant, as no implicit consent can be inferred from the defendant's silence.⁴³ This has drawn criticism from legal practitioners and is seen as an infringement of the right to defence.

³⁹ BGH Beschluss v. 05.03.2024 – 1 StR 366/23

⁴⁰ Italian Supreme Court, Criminal Division V, ruled in judgment no. 20610/2021, hearing of March 9, 2021

⁴¹ Joint Chambers, no. 119 of 27/10/2005, Palumbo; Joint Chambers, no. 7697 of 24/11/2016.

⁴² Supreme Court, Criminal Division IV, judgment no. 33917/2023, hearing of July 6, 2023, see also Division III, no. 40616 of 05/06/2013, Rv. 256934; Division II, no. 32057 of 21/06/2017, Rv. 270327

⁴³ Division VII, order no. 9504 of 06/12/2019, dep. 2020, Rv. 278873

91. Evolving Italian case-law also established that the absence of an interpreter at a hearing, under Article 143 CCP, constitutes an intermediate-type nullity which must be raised immediately during the same hearing, pursuant to Article 182(2) CCP, or it is deemed waived.⁴⁴ Thus, when defence counsel (who is considered "the party" under Article 182 CCP) is present at the hearing, the violation must be raised on the record immediately. It cannot be preserved for later phases of the proceedings.
92. This practice and evolving case law raise serious concerns in respect to what exactly the consequences are of not affording procedural rights guarantees, such as access to interpretation and translation to persons suspected and accused. How do breaches of these rights affect the fairness of the proceedings, and what should be the consequences of these breaches in order to ensure that the proceedings are fair.
93. These practices seem to indicate a watering down of procedural rights guarantees and highlight a need for policy intervention to turn the course and ensure that procedural rights guarantees are not optional and that these rights are practical and effective, not theoretical and illusory, as explained in the ECtHR jurisprudence (ECtHR, *Scordino v. Italy* (no. 1) [GC], 2006, § 192).
94. A key component of the procedural rights directives are the remedies provided. This is an essential element meant to guarantee that these rights are not just theoretical or illusory but are in fact practical and effective. It is essential to ensure that there is not only a common minimum level of procedural rights across the EU, but also that these rights are enforceable in practice through effective remedies.

APPROPRIATE FUNDS

95. One overarching issue that affects the applicability of the directive is the issue of funds. This is a recurring topic that emerges in discussions with practitioners who talk about a vicious circle stemming from the lack of funds, with very few interpreters and translators being interested in providing services to the judicial system which in turn leads to long waiting periods. The scarcity of funds has also been argued to affect the quality of interpretation and translation, because many qualified interpreters and translators refuse to sign up on relevant registries and the ones that do may not feel motivated by existing fees.

⁴⁴ Supreme Court, Criminal Division I, judgment no. 1282/2024 (filed January 11, 2024), see also Division II, no. 26078 of 09/06/2016, Rv. 267157; Division III, no. 30891 of 24/06/2015, Rv. 264330.

96. Regarding the allocation of funds, the European Commission stresses in its Green Paper that⁴⁵

Member States must make funds available for this purpose. Court interpreters and translators must be offered competitive rates of pay so as to make this career option more attractive to language graduates. But it should not be limited to language graduates. Law graduates who find that practice is not for them, but who have excellent language skills should be encouraged to join the profession and offered appropriate training.

97. The Green paper also recognizes that:⁴⁶

The drive to recruit well-qualified professionals should not be seen simply as a question of salary. Better rates of pay will attract more people into the profession, but there are other factors too such as treating language professionals with more respect, consulting them about court procedures and involving them in such a way as to ensure that their specialist skills are acknowledged and valued.

98. The adequate remuneration of interpreters and translators may have an impact on the consistency and quality of the work of interpreters and translators, and the correct and full implementation of the Directive.

National examples

99. Fair Trial's internal mapping shows that the situation in Europe regarding the rate of interpreters and translators in criminal proceedings varies significantly, and there is no structured report on the matter. However, we have gathered the following information, according to which the following data emerges (the rates have been converted into euros to assist with comparison). In **Germany**, interpreters in criminal proceedings earn €85 per hour, requiring a state interpreter exam and legal language knowledge. **Romanian** interpreters charge € 4 to € 10 per page for translations and €20 to €30 per hour for court hearings, with qualifications including a relevant degree and Ministry of Justice certification. **Spain** faces issues with unqualified part-time interpreters lacking degrees. In **Malta**, translation rates are €7.20 per 200 words and

⁴⁵ Green Paper from the Commission - Procedural Safeguards for Suspects and Defendants in Criminal Proceedings throughout the European Union /* COM/2003/0075, para 5.2.2. (d)

⁴⁶ Green Paper from the Commission - Procedural Safeguards for Suspects and Defendants in Criminal Proceedings throughout the European Union /* COM/2003/0075, para 5.2.2.(e)

104. **Bulgarian** practitioners have also flagged that when the accused is found guilty, he/she has to cover the costs of the interpretation/translation received. This has been found to be in breach of Article 6 § 3 (e) of the ECHR.⁴⁹
105. **Germany** also provides for instances when the defendant may have to cover the costs of interpretation and translation, but this only applies when it is shown that the defendant has unnecessarily caused such expenditure by culpable omission or other culpable acts.

CONCLUSIONS AND RECOMMENDATIONS

106. The right to interpretation and translation is an essential safeguard in criminal proceedings, which enables the exercise of other fair trial rights. Access to interpretation services at the initial stages of the criminal proceedings is crucial to help prevent prejudice to the suspect's defence.
107. Fifteen years after the adoption of Directive 2010/64/EU, the European Union faces a critical implementation gap: while formal transposition has been largely achieved, the right to interpretation and translation remains inconsistently and inadequately realised in practice across Member States.
108. This report demonstrates that the failures identified are not marginal or technical—they are systemic, persistent, and mutually reinforcing. Some of these issues relate to the very core of the right to interpretation and translation, such as the insufficient quality of legal interpretation, the independence of interpreters and translators, the failure to provide interpretation services for client-lawyer communication, and the broad use of oral translations.
109. Across jurisdictions, persons suspected and accused continue to face:
- Delayed or absent access to interpretation, particularly at the earliest and most critical stages of proceedings;
 - Inadequate and unregulated quality of interpretation and translation, with limited oversight or accountability;

⁴⁹ ECtHR, *Işyar v. Bulgaria*, Application no. 391/03, 20 Novembre 2008, paras 48, 49

- Barriers to confidential communication with legal counsel, undermining the right of defence;
- Restrictive and inconsistent approaches to the translation of essential documents;
- Weak or ineffective remedies, which fail to address violations in a timely or meaningful way;
- Chronic underfunding, leading to shortages of qualified professionals and deteriorating service quality.

110. These shortcomings fundamentally compromise the ability of individuals to understand proceedings, exercise their rights, and participate effectively in their defence. They undermine the enforceability of the Interpretation and Translation Directive and they strike at the heart of Articles 47 and 48 of the Charter and Article 6 of the ECHR.

111. Of particular concern is the growing judicial tendency to assess procedural violations solely through the lens of the “fairness of proceedings as a whole.” This approach risks normalising non-compliance with minimum procedural guarantees, weakening their binding nature and eroding legal certainty. This may be seen as a watering down of relevant rights. It raises serious concerns in respect to what are the consequences of not affording procedural rights guarantees to persons suspected and accused, how do breaches of these rights affect the fairness of the proceedings, and what should be the consequences of these breaches in order to ensure that the proceedings are fair.

112. Limited funding is another major obstacle that hinders effective access to interpretation and translation. We are seeing reports of interpreters claiming that rates of pay were so low that people cannot make a living. This has led to more interpreters leaving the profession, which in turn places a greater burden on the court system and may affect the quality of interpreters, with those who stay in the system feeling less motivated to do a good job.

113. Our research also finds that there are no EU-wide general professional criteria for interpreters and translators. Countries have varying approaches on this matter, which may end up affecting the quality of interpretation and translation services provided across the EU.

114. The current situation also poses a broader structural risk: divergent implementation across Member States undermines mutual trust, which is essential for the functioning of EU instruments based on mutual recognition.

115. Despite these longstanding issues—many of which were already identified in the Commission’s 2019 implementation report—there has been insufficient follow-up action at EU level. Without renewed and decisive intervention by the European Commission, these deficiencies will continue to deepen, becoming entrenched features of national systems.

Recommendations

116. To bridge the gap between formal transposition and practical implementation of Directive 2010/64/EU and ensure its full and effective application across all Member States, the following measures should be taken:

- Establish **EU-level minimum qualification and training standards** for legal interpreters and translators, including specialised legal terminology and ethical obligations. A common framework for certification and accreditation would help ensure consistent quality across Member States and strengthen mutual trust in cross-border proceedings.
- Strengthen guarantees for **confidential interpretation** in lawyer–client communication at all stages of criminal proceedings, including police custody, detention, and remote hearings.
- Promote **effective remedies** by discouraging excessive reliance on proof of concrete prejudice. Violations of interpretation and translation rights should result in meaningful procedural consequences, without imposing an excessive burden on defendants to demonstrate concrete prejudice. Complaint mechanisms must be accessible, timely, and capable of providing real redress.
- Clarify, through guidelines or legislative action, the scope of ‘essential documents’ to ensure defendants have sufficient written information to understand and challenge the case against them. The Commission should ensure that persons suspected and accused receive written translations that are sufficient to understand and effectively challenge the case against them, while limiting the use of oral translations to exceptional, justified situations.

- Encourage Member States to adopt sustainable funding models, including minimum remuneration benchmarks, to attract and retain qualified language professionals. Addressing chronic underfunding is essential.
- Invest in capacity-building: training for judges, prosecutors, and defence counsel on the scope and limits of translations and interpretations, plus clear procedural timelines to reduce delays. Stronger national systems for accreditation and oversight, combined with targeted training for judges, prosecutors, and defence lawyers, are necessary to support the effective and uniform application of the Directive in daily practice.

117. The right to interpretation and translation is not a technical guarantee—it is a gateway right, without which all other procedural safeguards risk becoming ineffective.

118. If the European Union is to uphold the rule of law and mutual trust between its Member States, it must ensure that this right is not only recognised in law, but realised in practice.

119. This requires the European Commission to move beyond observation and take decisive action to enforce, harmonise, and strengthen implementation across the Union. This includes initiating infringement proceedings where systemic deficiencies persist, issuing updated guidance to clarify key obligations, and establishing a transparent monitoring framework with regular, country-specific assessments.