

Language barriers in the criminal justice system: Support for those with English as an additional language

In the series of tables below, we outline legal rights and entitlements – where these exist – and provisions in policies and practice guidance for *statutory* criminal justice agencies, for supporting individuals who have English as an additional language (EAL) at various stages in the criminal justice process. Each table provides an overview of the language support available for different user groups (eg victims, witnesses, and arrestees/detainees, defendants and offenders) as they journey through the criminal justice system (CJS). We also note relevant issues relating to judicial management of criminal trials and ‘expectations’ of Her Majesty’s Inspectorate regarding language support in police custody and prison. While we may not have

identified everything that is relevant, the tables give an overview of the legal protection and the language support which *should* be available to adult individuals with EAL in contact with the CJS. This provides the ‘baseline’ against which we explore, in our empirical research, the knowledge and practices of criminal justice professionals who work with individuals with EAL and, importantly, the experiences of service users with EAL.

We have repeated the rights, policies or professional guidance where these apply at different stages of the process or are replicated across national, European and international law and we have provided endnotes for further detail on the information contained in the tables.

	Reporting, arrest and investigation	Court hearings	Probation (management of victim-offender contact)	Post-court
Victims (including victim witnesses)	<p><u>The Code of Practice for Victims of Crime (2015)</u>ⁱ</p> <p>Victims who do not understand or speak English are entitledⁱⁱ to:</p> <ul style="list-style-type: none"> ■ Information about the availability of interpretation and translation services ■ Report the crime in a language they understand or with the necessary linguistic assistance if they do not speak English ■ Necessary linguistic assistance, including translation, when being interviewed by the police. <p>The police should also provide on request:</p> <ul style="list-style-type: none"> ■ Translation of the written acknowledgment of the reported crime ■ Translation, where it is essential for a police interview, of a document or relevant parts of a document. <p><u>The Witness Charter (2013)</u>ⁱⁱⁱ</p> <p>Interpreters from the local community should not be used by the police for facilitating interviews with the victims where they could put victims at an increased risk (eg of honour-based violence).</p>	<p><u>The Code of Practice for Victims of Crime (2015)</u>^{iv}</p> <p>Victim witnesses^v who do not understand or speak English are entitled^{vi} to:</p> <ul style="list-style-type: none"> ■ Request interpretation into a language they understand when giving evidence ■ Request translation, where it is essential for a court hearing, of a document or relevant parts of a document ■ Be provided with translation of documents with date, time and place of trial ■ In hearings in Wales – the legal right to use Welsh when giving evidence (see below) ■ Translation of the outcome of proceedings where entitled under the Victims Code and at least brief reasons for the court’s decision. <p><u>Victim Contact Scheme (VCS)</u>^{vii} <u>Guidance Manual</u> (National Offender Management Service)</p> <ul style="list-style-type: none"> ■ The Witness Care Unit (WCU) acts as single point of contact for victims and witnesses as cases progress through the CJS to provide updates of progress from point of charge to case conclusion. <p>The WCU will arrange appropriate support for victims and witnesses who have been identified by other CJ agencies as needing translation services.</p>	<p><u>Victim Contact Scheme (VCS)</u>^{viii} <u>Guidance Manual</u> (National Offender Management Service, 2015) on the statutory duty for victim contact managed by Probation Service. This provides Victim Liaison Officers (VLOs), Offender Managers and other probation staff with operational guidance for duties under the Victims’ Code (2015). It states:</p> <p>VCS must be accessible to all minority groups, and special needs must be accounted for before initial visit. Guidance to address language barriers is as follows:</p> <ul style="list-style-type: none"> ■ Contact letters and leaflets should be provided in other languages, particularly if identified by WCU or via contact with victim ■ Interpreters should be offered and provided at visits ■ National Probation Service (NPS) can decide whether to use the Ministry of Justice (MoJ) Framework Agreement^{ix} for interpreting and translation services, or Local Authority or commercial agencies, or engage freelance interpreters via the National Register of Public Service Interpreters (NRPSI)^x ■ When interpretation services <i>are not</i> obtained via MoJ framework, the NPS will need to ensure that the quality, vetting and monitoring arrangements are sufficient “to discharge their duties in respect of victims sensitively and effectively”. <p>Complaints about the NPS can be made by any person, including victims, offenders, and their families. The NPS is responsible for using translation services, where appropriate, to interpret complaints received from those for whom English is not the first language.</p>	<p><u>Criminal Injuries Compensation Authority</u>^{xi} (CICA) is an executive agency, sponsored by the MoJ which deals with injury claims brought by victims of violent crime.</p> <p><u>The Code of Practice for Victims of Crime (2015)</u>^{xii} states that victims who do not understand or speak English are entitled to:</p> <ul style="list-style-type: none"> ■ Additional assistance upon request from the CICA when making an application for compensation, such as the assistance of an interpreter at the hearing, and be provided with advice about who to contact to make such arrangements ■ If a victim disagrees with a CICA decision about compensation, they can appeal to the Criminal Injuries Compensation Tribunal^{xiii}. In so doing the victim should receive a letter from the Tribunal, in which they will be asked if they need any assistance in support of their appeal to meet their particular needs. For example, the Tribunal can arrange an interpreter to support them at the hearing.

	Reporting, arrest and investigation	Court hearings
Witnesses	<p><u>The Witness Charter (2013)</u>^{xiv}</p> <p>The police should assess pre-interview witnesses' language and communication needs:</p> <ul style="list-style-type: none"> ■ Support and reasonable adjustments should be made to ensure equal access to information and services, including use of an interpreter ■ Needs and expectations of witnesses from minority groups should be considered, including police knowledge of religion, culture, customs and beliefs as this may have a bearing on their understanding of a witness account ■ A witness should be interviewed in the language of their choice, (even if bilingual) unless in exceptional circumstances (eg unavailability of interpreter) ■ Despite fluency in English, witnesses may need to use their first language to express intimate or more complex concepts ■ Interpreters should be from the National Register of Public Service Interpreters (NRPSI)^{xv} to ensure competence and ethical standards ■ Investigators should avoid using grammatically complex questions or ones that include double negatives. <p><u>Legal guidance on interpreters at the police station (CPS, 2019)</u></p> <p>Witnesses who have difficulty in speaking or understanding English should have the same right to interpreting and translation support as suspects.</p> <p><u>Trials Issues Group (TIG)</u>^{xvi} establishes the arrangements that should be in place for criminal investigations in England and Wales. TIG has agreed a standardised procedure for arranging interpreters for investigations into alleged offences. For witnesses in criminal proceedings:</p> <ul style="list-style-type: none"> ■ The prosecution or defence will arrange interpreters for their witnesses ■ 'Active steps' need to be taken to check the competency of an interpreter in order to comply with responsibilities under the European Convention on Human Rights, especially Article 6 (The right to a fair trial). <p><u>Victim Contact Scheme Guidance</u> states that the arrangements should also apply to a witness who is not a complainant in a case (see above).</p>	<p><u>Trials Issues Group (TIG)</u>^{xvii} determines what arrangements should be in place for criminal court proceedings. Witnesses who do not understand or speak English should <i>expect</i> to give evidence through an interpreter.</p> <p><u>Crown Prosecution Service (CPS)</u> is responsible for:</p> <ul style="list-style-type: none"> ■ Arranging and paying a 'competent' interpreter for their witness for court and any pre-trial interview ■ Notifying the court in advance of such arrangements ■ Giving maximum notice to the interpreter to avoid delays/adjournments ■ In addition, witnesses can be assisted by an interpreter for other pre-court meetings (eg court familiarisation visits) ■ The decision as to whether an interpreter is allowed to assist a witness is at the discretion of the judge (see below) ■ A hearing can be adjourned if an issue regarding the competence of the interpreter is raised ■ Potential witnesses must not act in the role of interpreter but a person who assisted in taking a witness statement may assist at a witness interview ■ It will be important to identify an interpreter who is competent in the relevant language and dialect but is also aware of the vocabulary used in the criminal justice system. <p><u>Welsh Language Act 1993</u></p> <p>Section 22(1) of the Welsh Language Act 1993 provides that:</p> <ul style="list-style-type: none"> ■ In any legal proceedings in Wales, Welsh may be spoken by any party, witness or other person, with no prior notice, except in Crown Court proceedings where notice should be given to the Welsh Language Unit to make necessary provisions. A Welsh-speaking prosecutor <i>should</i> be provided, or the case adjourned until a Welsh-speaking prosecutor or interpreter can attend. <p>Where Welsh is to be used, the court should be informed as soon as possible, in compliance with the Practice Direction (1995 1 All ER. 575). Failure to comply may result in a wasted costs order being made against the defaulting party.</p> <p><u>The Witness Charter (2013)</u>^{xviii}</p> <p>Interpreters are required for those with limited/no understanding of English to facilitate communication at court. Witnesses should expect:</p> <ul style="list-style-type: none"> ■ Defence or prosecution to apply in advance of trial for an interpreter to assist them giving evidence ■ To find an accredited interpreter, if need has been identified in advance ■ See the interpreter and be seen by them if using a screen^{xix} ■ Be seen and heard by interpreter when giving evidence by Live Link^{xx} ■ Judges and magistrates must ensure that the witness understands what is happening ■ Be provided with an interpreter by the Police or defence lawyer, to help defence witness give evidence or if asked to make a statement to the police, or to defendant's lawyer.

	Reporting, arrest and investigation	Court hearings
Witnesses		<p>Equal Treatment Bench Book (2019)^{xxi}, Section 8 provides guidance for Judges on communicating with speakers of English as an additional language (including prosecution and defence witnesses giving evidence in court). <i>“Although judges are not involved in making arrangements for interpreters, it is important that they are fully aware of potential difficulties experienced by witnesses who may have only a limited ability to speak and understand English, and the interpretation facilities available and the arrangements for securing them”</i>.</p> <p>It warns against making assumptions about a witness’s level of fluency, especially given the often formal and complex language that is used in court, and it gives advice about how to facilitate communication. This includes: Allowing more time, speaking more slowly, using plain language, not asking two questions in one sentence, avoiding negative formulation of questions, jargon, humour or irony, explaining any jargon and legalese and frequently summarising and checking that the witness understands. A summary of some key advice in the ETBB relating to court users with EAL is as follows:</p> <ul style="list-style-type: none"> ■ The judge is guided to take a ‘proactive role’ and make efforts to clarify and resolve the extent of any language difficulty faced by a witness. It is part of the judge’s function to check everyone understands each other so as to ensure a fair hearing. If a judge hearing a case considers that an interpreter is required, an adjournment should be granted for that purpose ■ It cautions against trying to ‘manage’ in English if an interpreter who has been booked does not turn up ■ Where a party or witness has asked for an interpreter, but communicates in English during the hearing, this does not mean the interpreter was not needed. The witness may be anxious to communicate directly as far as possible but have an interpreter present to assist if understanding breaks down ■ Regarding practical arrangements, it recommends the interpreter speaks the correct dialect of the language in question and that she/he is positioned in court in order to see (including facial expressions) and hear the witness ■ There is also guidance about communicating through an interpreter, including addressing the witness directly, using the same techniques listed above for facilitating communication, and ensuring everything is translated so as to reduce any sense of exclusion from proceedings by the witness. <p>ETBB, Section 8 also provides guidance on ‘<i>communicating inter-culturally</i>’. This highlights the need for judicial awareness of cultural differences in how individuals might present or express themselves in court. Cultural differences might be present alongside a language barrier and may also apply where English as an additional language is being used in court.</p>

	Reporting, arrest and investigation	Court hearings	Probation	Prisons		
Arrestees/Detainees	<p>Authorised Professional Practice (APP) College of Policing provides national guidance on aspects of police work. The APP on Investigation – Working with Suspects, regarding arrest planning, notes that, “If the suspect does not speak English, an interpreter should be arranged”. The APP on <u>Detention and Custody</u> underlines practice in relation to PACE.</p> <p>Police and Criminal Evidence Act 1984 (PACE) Code C This details the rights of a detainee in police custody^{xxii}, of which they must be informed, including details of the offence they have been arrested for, and their right to free, independent legal advice, to consult and communicate privately with a solicitor in person, in writing or by telephone:</p> <ul style="list-style-type: none"> ■ The custody officer determines whether the detainee does not speak or understand English and requires an interpreter (also applies to rights to use Welsh language as set out in the Welsh Language Act 1993) ■ Custody officer must ensure detainee has the assistance of an interpreter “without delay” ■ The detainee is told clearly about their right to interpretation and translation ■ The written notice given to the detainee detailing rights and offence of arrest is in a language the detainee understands and includes the right to interpretation and translation. If the translation of the notice is not available, the information in the notice is given through an interpreter and a written translation provided without undue delay ■ The detainee has the right to communicate with their High Commission, Embassy or Consulate ■ Directive 2010/64/EU sets out minimum requirements regarding the quality of interpretation^{xxiii}. <p>Trials Issues Group (TIG)^{xxiv} on arrangements that should be in place for criminal investigations in England and Wales.</p> <ul style="list-style-type: none"> ■ The right to an interpreter is an integral part of the right to a fair trial^{xxv}. The agreed standard procedure for arranging an interpreter for investigating an alleged offence is: ■ Police or other appropriate investigating agency will arrange interpreters for any part of an investigation, and for requirements of the suspect, or person charged, whilst they are in custody ■ A witness statement can be recorded in a foreign language then later translated into English 	Defendants	<p>Trials Issues Group (TIG)^{xxvi} agree the following with respect to defendants:</p> <ul style="list-style-type: none"> ■ The Court will arrange the interpreter for the defendant at court, except where the defendant appears up to 2 working days after being charged when it is for the police or other investigating agency to make the necessary arrangement ■ Wherever possible a separate interpreter should be arranged for each defendant ■ The interpreter must be available to interpret for the defendant at court and throughout the day’s court proceedings and not only, for example, when the defendant is giving evidence. <p>Equal Treatment Bench Book (2019)^{xxvii}, Section 8 provides guidance for Judges on communicating with speakers of English as an additional language (including witnesses and defendants if giving evidence).</p> <p>See table above (on Witnesses) for further information.</p> <p>The Crown Court Compendium (May 2016) states that under the Convention for the Protection of Human Rights and Fundamental Freedoms^{xxviii} it is the duty of the judge to verify whether the defendant has sufficient understanding of the English language to participate in trial proceedings and to understand the consequences of his plea, and in doing so, should ensure that adequate interpretation arrangements are made.</p>	Offenders	<p>Language support available for offenders as part of Victim Contact Scheme arrangements is described above.</p> <p>There is currently no specific probation guidance on supporting offenders who have EAL, with the exception of the Welsh Language Act 1993. In accordance with this Act, HMI Probation, when conducting inspections in Wales, treats the Welsh and English languages on an equal basis.</p> <p>An Equality Information Form (EiF) is completed as part of the preparation of a pre-sentence report. The EiF captures equalities and diversity information as part of the assessment process and in order to comply with the Equality Act 2010. Immigration status and preferred language are collected on the EiF and this is signed by the offender as a true reflection of their needs. See note^{xxix}.</p>	<p>England and Wales</p> <p>Prison Rules Act (1999) governs how prisons are run and rules are made under the authority of this Act. Prison Rules apply to every prison, but prison governors can also make local rules. The rules that reference language support are as follows:</p> <p>PSI 05/2018: Prisoner Discipline Procedures (Adjudications) Prisoners with disabilities, mental impairments and communication or language difficulties:</p> <p>If prisoners have any disability, communication or language difficulty that may impair their ability to understand and participate in the hearing, adjudicators must consider what help may be provided for them and adjourn as necessary for this to be arranged. The capacity of particular prisoners to present their own case. Prisoners who are unable to follow proceedings or present a written or oral defence due to language or learning difficulties, and (mental health problems), may need help from a friend or representative. Adjudicators will base their decision on the individual circumstances of each.</p> <p>European</p> <p>European Prison Rules^{xxx}: At admission, and as often as necessary afterwards, all prisoners shall be informed in writing and orally in a language they understand of the regulations governing prison discipline and of their rights and duties in prison.</p> <p>Special arrangements shall be made to meet the needs of prisoners who belong to ethnic or linguistic minorities.</p> <p>Linguistic needs shall be met by using competent interpreters and by providing written material in the range of languages used in a particular prison.</p> <p>Prisoners charged with disciplinary offences shall:</p> <ul style="list-style-type: none"> ■ Be informed promptly, in a language which they understand and in detail, of the nature of the accusations against them ■ Have the free assistance of an interpreter if they cannot understand or speak the language used at the hearing. <p>Director, management and majority of other prison staff shall speak the language of the greatest number of prisoners, or a language understood by the majority of the prisoners.</p>

	Reporting, arrest and investigation	Court hearings	Probation	Prisons
Arrestees/Detainees	<ul style="list-style-type: none"> ■ A superintendent may authorise an extension to the period of detention to enable the transcript to be prepared before charging ■ Police or other investigating agency must take active steps to check the competency of an interpreter to comply with responsibilities under the ECHR, in particular Article 6 (Right to a fair trial). 	Defendants	Offenders	<p>International</p> <p><i>United Nations Standard Minimum Rules for the Treatment of Prisoners</i>^{xxxii} states that: Prisoners shall be informed, without delay and in a language that they understand, of the nature of the accusations against them and shall be given adequate time and facilities for the preparation of their defence:</p> <ul style="list-style-type: none"> ■ In cases in which prisoners do not speak the local language, the prison administration shall facilitate access to the services of an independent competent interpreter ■ Prisoners shall be allowed to defend themselves in person, or via legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. If the prisoners do not understand/speak the language used in the hearing, they shall be assisted by a competent interpreter free of charge ■ The prison director, his or her deputy, and the majority of other prison staff shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them ■ Whenever necessary, the services of a competent interpreter shall be used. <p><i>United Nations Rules for the Treatment of Women Prisoners</i>^{xxxiii}</p> <p>Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives.</p> <p><i>Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment</i>^{xxxiii}</p> <p>A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands (all this information) and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.</p>

	Reporting, arrest and investigation	Court hearings	Probation	Prisons	
Arrestees/Detainees	<p>Expectations of HM Inspectorate of Constabulary (HMIC)</p> <p>Police Custody</p>	Defendants	Offenders	Her Majesty's Inspectorate of Prisons (HMIP)	
	<p><i>The custody suite: Individual needs and legal rights</i></p> <p>Staff understand equality and diversity and know how to respond to specific needs. Expectations^{xxxiv} regarding the language needs of detainees include:</p> <ul style="list-style-type: none"> ■ Access to information, including reason for detention and, where necessary, their immigration status and procedures in relation to status, explained in a language they can understand ■ Access to relevant Consulate, Embassy or High Commission where necessary. <p>The needs of detainees who experience difficulties communicating are met:</p> <ul style="list-style-type: none"> ■ Staff have access to accredited translation and interpreting services ■ Telephone translation is conducted using equipment that enables effective communication in reasonable privacy. <p>Legal rights and entitlements and other relevant documents are provided in a range of formats and languages which reflect the population in the local police force area.</p>			<p><i>Criteria for assessing the treatment of, and conditions for, men in prisons Version 5, 2017.</i></p> <p>Expectations^{xxxv} regarding meeting their language needs:</p> <p>Induction and prison regime: Prisoners are promptly inducted and supported to understand life in prison. For those who have language or communication needs, it is expected that the following is provided in a format or language they can easily understand:</p> <ul style="list-style-type: none"> ■ Rules and regime ■ Reasons for any segregation ■ Information about the complaints and adjudication procedures. <p>Specific needs: Foreign National Prisoners and prisoners with protected characteristics and any other minority characteristics are treated equitably and according to their individual needs:</p> <ul style="list-style-type: none"> ■ Staff know which prisoners find communicating in English a challenge ■ Prisoners have access to accredited translation and interpretation services whenever accuracy or confidentiality is required 	<p><i>Criteria for assessing the treatment of, and conditions for, women in prisons Version 1, 2014.</i></p> <p>Expectations^{xxxvi} regarding meeting their language needs:</p> <p>At court: Women understand where they are going and what to expect on arrival at prison in a format or language they can easily understand:</p> <ul style="list-style-type: none"> ■ Information to explain how the court system functions and meaning of key legal terms ■ Information at court about the prison to which they are being transferred. <p>Induction and prison regime: Prisoners are inducted and supported to understand life in prison. For women who have language or communication needs, it is expected that the following is provided in a format or language they can easily understand:</p> <ul style="list-style-type: none"> ■ Written and/or verbal information about regime, rules, reasons for any segregation, complaints and adjudication procedures ■ Information about sources of help (eg Listeners, Samaritans) ■ Information on accessing all services.

	Reporting, arrest and investigation	Court hearings	Probation	Prisons
Arrestees/Detainees				
Defendants				
Offenders				<ul style="list-style-type: none"> ■ Prisoners have access to specialist support services and equipment (equivalent to that available in the community) to enable them to communicate and understand the regime ■ Accredited interpreting services are used wherever accuracy or confidentiality is important. <p>Health: All prisoners have equal access to health, wellbeing and social care services regardless of location, regime, disabilities or language barriers:</p> <ul style="list-style-type: none"> ■ Information about available health services and current national health campaigns is easily accessible in all required formats and languages. <p>Education: Staff are aware of and plan for individual prisoners' diverse needs in teaching, training and work sessions, and provide effective support, including for prisoners with English as second language.</p>
				<p>Specific needs: Women of all nationalities are treated equitably and according to their individual needs:</p> <ul style="list-style-type: none"> ■ They are provided with information about their immigration status and immigration procedures in different languages/formats and helped to understand them ■ Have access to accredited translation and interpreting services wherever accuracy or confidentiality is important ■ Accurate records are kept of staff and prisoners who are able to speak languages other than English. <p>Health: Women are given information about prison health services, in a format and language they can understand, which explains how to access services.</p> <p>Education: Women have regular access to a suitable library, library materials and additional learning resources that meet their needs. Library materials are reflective of the diverse needs of the women held and include a range of formats and languages.</p>

Endnote

- ⁱ The Victims' Code is the statutory document which sets out the rights and entitlements of victims of crime.
- ⁱⁱ The Government announced a draft of the new Victim's Code on 5th March 2020 and is undertaking a second consultation. The main relevant change is that all victims will be granted *rights* rather than *entitlements*. See the Press Release: <https://www.gov.uk/government/news/new-set-of-rights-for-victims-of-crime>
- ⁱⁱⁱ This details *standards of care* a witness should expect during contact with the criminal justice system.
- ^{iv} See Endnote i and ii.
- ^v Victim witnesses is a term used to describe victims who give evidence at court and have additional entitlements as described in the table.
- ^{vi} See Endnote ii.
- ^{vii} The statutory Probation Service Victim Contact Scheme (VCS) is offered to victims of violent and sexual offences where the offender receives a sentence of 12 months or more. The purpose of the VCS is to provide eligible victims with information and advice about the criminal justice process by a designated Victim Liaison Officer (VLO).
- ^{viii} See Endnote vii.
- ^{ix} A centralised system for procuring language services for use in the Criminal Justice System.
- ^x National Register of Public Service Interpreters (NRPSI) is a voluntary not-for-profit organisation with a core role of ensuring the maintenance of good standards within the profession. This includes only recognising those who are appropriately qualified, upholding professional and ethical conduct and investigating complaints made against those on the register. See: <http://www.nrpsi.org.uk/about-us.html>
- ^{xi} For further information, see: <https://www.gov.uk/government/organisations/criminal-injuries-compensation-authority/about>
- ^{xii} See Endnote i and ii.
- ^{xiii} A judicial hearing established to settle disputes.
- ^{xiv} See Endnote iii.
- ^{xv} See Endnote x.
- ^{xvi} TIG membership includes representatives from the Association of Chief Police Officers (now the National Police Chiefs Council), Bar Council, Crown Prosecution Service, Court Service, HM Customs and Excise, Home Office, Judiciary, Justices' Clerks' Society, Law Society, Lord Chancellor's Department, Magistrates' Association, Victim Support and the National Probation Service.
- ^{xvii} See Endnote xvi.
- ^{xviii} See Endnote iii.
- ^{xix} A protective screen is placed around the witness box to prevent the witness seeing the defendant in the court room and vice versa.
- ^{xx} "Live link" will usually mean a closed-circuit television link but could apply to any secure technology with the same effect such as video conferencing facilities or the internet.
- ^{xxi} This offers practical guidance to judges aimed at helping make the court experience more accessible and comprehensible for parties and witnesses.
- ^{xxii} This also applies to those who attend the police station on a voluntary basis.
- ^{xxiii} Directive 2010/64/EU states "*Translation and interpretation must be of sufficient quality to allow the persons concerned to understand the case against them and to exercise their right of defence. To this end, EU countries are required to set up a register of independent and qualified translators and interpreters, which should be available to legal counsels and relevant authorities*".
- ^{xxiv} See xvi.
- ^{xxv} It is a principle of common law that the defendant must be able to understand the charges made against them and be able to properly defend themselves. The right is also enshrined in the *European Convention on Human Rights (ECHR)*.
- ^{xxvi} See Endnote xvi.
- ^{xxvii} See Endnote xxi.
- ^{xxviii} (Rome, 4 November 1950; TS 71 (1953); Cmd 8969, article 6(1) (right to a fair trial) and 6 (3)(e) (right to interpreter).
- ^{xxix} The Equality Act 2010 offers legal protection from discrimination in the workplace and wider society. The Act covers 'protected characteristics' or types of discrimination. This includes race, nationality, ethnic or national origin. It covers direct and indirect discrimination (rules or arrangements that might apply to everyone but put someone with a protected characteristic at a disadvantage), harassment and victimisation.
- ^{xxx} Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules, Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies. See: <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>
- ^{xxxi} The Nelson Mandela Rules, General Assembly resolution 70/175, annex, adopted on 17 December 2015. See: <https://cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>
- ^{xxxii} United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) Resolution adopted by the General Assembly on 21 December 2010. See: https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf
- ^{xxxiii} Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly resolution 43/173 of 9 December 1988. See: <https://www.ohchr.org/Documents/ProfessionalInterest/bodyprinciples.pdf>
- ^{xxxiv} This sets out the criteria used to **inspect prisons** and other forms of detention. Criteria are based on international **human rights standards** and are used to examine all aspects of life in detention.
- ^{xxxv} See Endnote xxxiv.
- ^{xxxvi} See Endnote xxxiv.

References

National and International Law/Conventions

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988)

Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

European Convention on Human Rights, Article 6.

The Nelson Mandela Rules, General Assembly resolution 70/175, annex, adopted on 17 December 2015. <https://cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>

Police and Criminal Evidence Act 1984 (PACE) Code C.13. See: <http://www.legislation.gov.uk/ukpga/1984/60/contents>

Prison Rules Act (1999) <http://www.legislation.gov.uk/uksi/1999/728/contents/made>

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) Resolution adopted by the General Assembly on 21 December 2010 https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

Welsh Language Act 1993 s22. (1). See: <http://www.legislation.gov.uk/ukpga/1993/38/section/22>

Policies and guidance

College of Policing Authorised Professional Practice (2019) Investigation. <https://www.app.college.police.uk/app-content/investigations/>

College of Policing Authorised Professional Practice (2019) Detention and Custody. <https://www.app.college.police.uk/app-content/detention-and-custody-2>

Crown Prosecution Service (2019) Guidance for using interpreters. <https://www.cps.gov.uk/legal-guidance/interpreters>

Crown Prosecution Service Trials Issue Group. <https://www.cps.gov.uk/publication/trials-issues-group>

Her Majesty's Inspectorate of Prisons (2014) Criteria for assessing the treatment of and conditions for women in prison Version 1. https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/02/final-womens-expectation_web-09-14-2.pdf

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