

## Motions

<b>Motion number</b>	9
<b>Name of the person introducing the Motion to the GA</b>	Dinie VISSER
<b>Member party</b>	Fryske Nasjonale Partij (FNP)
<b>Title (of the Motion)</b>	Qualified interpreters in court proceedings
<p><u>The Netherlands must guarantee qualified interpreters in court proceedings</u></p> <p>a) considering that Article 6 of the European Convention for the Protection of Human Rights (ECHR) and the Articles 47 and 48(2) of the Charter of Fundamental Rights of the EU enshrine the right to a free trial and respect for the right of defence, including the right to interpretation for those who do not speak or understand the language of the proceedings;</p> <p>b) considering that Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, as implemented by the Certified Interpreters and Translators Act (<i>Wet beëdigde tolken en vertalers</i>), facilitates the right of suspected or accused persons to adequate interpretation. To that aim, concrete measures must be taken to ensure that interpretation meets the quality required to safeguard the fairness of the proceedings, including a register of appropriately qualified interpreters;</p> <p>c) bearing in mind that when ratifying the European Charter for Regional or Minority Languages, the Netherlands undertook to guarantee the accused the right to use the Frisian language;</p> <p>d) considering that according to Article 11 of the Use of Frisian Language Act, any person living in Fryslân has the right to use the Frisian language in district courts in the region and in the court of appeal. Article 12 stipulates that the presiding judge decides about the use of interpreters, if required;</p> <p>e) recalling that Article 28 of the Certified Interpreters and Translators Act states that the Public Prosecutor's Office and the judiciary shall solely use certified interpreters, except in situations of urgency where there is no certified interpreter available, or in the case that the official register does not enlist interpreters for a specific language;</p> <p>f) noticing that the Dutch register of certified interpreter includes interpreters with a proficiency level of C1 according to the Common European Framework of Reference (CEFR), but also interpreters with a lower level of B2, despite serious concerns from the legal profession that a level of B2 is insufficient to provide the quality required to safeguard the fairness of the proceedings;</p>	

g) considering that interpretation services in court in the Netherlands are provided under a public procurement contract with agencies and that the minimum rates set by the Dutch authorities are extremely low;

h) bearing in mind that there are currently only three C1-interpreters in the register for the Frisian language, and that the agencies that enter into price negotiations with individual interpreters for a specific case are generally not willing to offer a decent fee for the services of these interpreters;

i) regretting that, even though these interpreters are available and though they often even attend the proceedings for which they are not contracted, the exception of unavailability in the law is often illegally used to deny Frisian-speakers the right to speak their language in court or to have the assistance of a qualified interpreter;

k) recalling that the Committee of Experts of the European Charter for Regional or Minority Languages considered that the response of the authorities of the Netherlands is insufficient to guarantee in practice the use of Frisian in criminal proceedings and called on the authorities to intensify their efforts to secure that qualified interpreters are available in court proceedings.

j) recalling that a majority in the Dutch parliament has repeatedly urged the Dutch government to ensure that Frisian citizens effectively can use their right to speak their own language in court proceedings;

The European Free Alliance calls upon:

the authorities in the Netherlands to guarantee the right of Frisian citizens to speak their own language in court proceedings, to ensure that the quality of interpreters is sufficient to safeguard the fairness of the proceedings and that these interpreters receive a fair compensation.