

LEGAL RIGHTS - CRIMINAL - Right to an Interpreter

IV. CONCLUDING OBSERVATIONS

CERD

- Guatemala, CERD, A/52/18 (1997) 14 at paras. 79 and 89.

Paragraph 79

Concern is expressed that the indigenous population does not enjoy effective protection and remedies in the national courts from violations of human rights and fundamental freedoms owing to the lack of interpreters and the insufficient availability of public legal defenders.

Paragraph 89

The State party should provide for access to the judiciary by all members of the population, in particular by furnishing adequate interpretation services for indigenous people at all levels of judicial proceedings.

- Peru, CERD, A/54/18 (1999) 21 at para. 152.

With respect to the right to equal treatment before the courts, it is noted with concern that interpreters are not in practice available to monolingual indigenous people and that legislation has not been translated into indigenous languages.

- Australia, CERD, A/55/18 (2000) 17 at para. 38.

Concern is expressed that the provision of appropriate interpretation services is not always fully guaranteed to indigenous people in the criminal process. It is recommended that the State party increase its efforts to seek effective measures to address socio-economic marginalization, the discriminatory approach to law enforcement and the lack of sufficient diversionary programmes.

ICCPR

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at paras. 101 and 111.

Paragraph 101

It is noted with concern that the obligation established in article 14, paragraph 3 (f), of the Covenant to provide an interpreter for everyone charged with a criminal offence if he cannot understand or speak the language used in court is not reflected in the criminal legislation of all the cantons.

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Paragraph 111

The Act relating to coercive measures should be implemented in a restrictive manner and in the spirit of the Covenant, so as to ensure that the length of detention applicable under the Act is as short as possible and that the judicial review of the detention decision or the decision to extend detention is carried out in less than 96 hours. All possible measures should be taken to ensure that foreigners who are covered by that Act are informed in a language they understand of the remedies available to them and are assisted by counsel.

- Portugal (Macau), ICCPR, A/52/40 vol. I (1997) 50 at paras. 319 and 325.

Paragraph 319

While the majority of the population is Chinese-speaking, official charge forms and charge sheets, as well as court documents and decisions, are in Portuguese only.

Paragraph 325

Efforts should be accelerated to introduce, as soon as possible, the use of the Chinese language in the courts at all levels and particularly in regard to court documents and decisions.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at para. 83.

Suspects should be promptly informed of their rights in a language they understand.

CRC

- Guatemala, CRC, CRC/C/108 (2001) 47 at para. 283.

Serious concern is expressed that the Committee's previous recommendation, encouraging the reform of the juvenile justice system to ensure its full compatibility with the principles and provisions of the Convention, has not yet been implemented because of the postponement of the entry into force of the Children and Adolescent Code of 1996. In particular, the concern about the doctrine of "irregular situation" is reiterated and it is noted that legal assistance for children is not mandatory and that the presence of a translator for indigenous children is not required.