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4.11.1 Providing interpretation



In 2020, some countries adopted new legislation or policies on the provision of interpretation. For example, in Greece the new Law No 4686/2020 states that an applicant must declare the preferred language prior to the interview, and a new amendment clarified that, if the provision of interpretation is not possible in the applicant's language of choice, interpretation is provided in the official language of the applicant's country of origin or in another language which may reasonably be assumed to be understood by the applicant, including international sign language.[883] In addition, a Ministerial Decision specified that interpretation services must be provided free of charge by the Asylum Services during meetings between an applicant and a lawyer, and these meetings should not exceed 2 hours in total.[884]

A previous law in Lithuania did not specify which type of document can be translated free of charge, so asylum applicants were submitting multiple documents in the original language in an effort to delay the procedure. In response, Lithuania adopted a new legislative provision specifying that an applicant has the right to oral interpretation free of charge for any issues related to the asylum application. This includes free interpretation during interviews conducted by SBGS staff and the Migration Department, during the proceedings at first instance and in communication with the providers of state-guaranteed legal aid.

The European Parliament reported that procedural guarantees foreseen in the recast Asylum Procedures Directive, such as the right to information, legal assistance and interpretation, are either not applied or only applied to a limited extent in border procedures.[885] For example, the ECtHR ruled against Slovakia after an expulsion order was issued following a double interpretation by another Afghan applicant, but found the complaints against Slovakia inadmissible and only assessed the complaints against Ukraine. The same court noted the lack of interpretation during an interview of a Sudanese applicant held in detention. A serious lack of interpretation services was reported also in Spanish detention centres.[886]

Similarly, NGOs reported on a lack of interpreters in the Pre-Removal Detention Centre in Lesvos,[li] and following its visit to Greece in 2019, a 2020 report by the UN Working Group on Arbitrary Detention identified gaps in the provision of interpretation and legal aid, which resulted in a lack of access to judicial remedies against detention decisions.[887] Similar reports were given by Equal Rights Beyond Borders[888] for Chios Island and the Malakasa refugee camp, in addition to impeded access to hospital services in the Attika region due to a lack of interpreters.[889]

The need to strengthen interpretation provision in Romania's border crossing points was

highlighted by the JRS.[890] It also reported delays of 1 to 2 weeks in the organisation of the interview in Galati due to a lack of Afghan interpreters,[891] while the cases were nevertheless issued within legal timelines. Difficulties to access health care were reported in Hungary as a result of language barriers and a lack of interpreters.[892] A shortage of interpreters was observed in Bulgaria in both first and second instance procedures, especially for Kurdish (Sorani or Pehlewani), Pashto, Urdu, Tamil, Ethiopian and Swahili.[893] In addition, the AIDA report for Bulgaria observed that the practice to omit interpretation in the Haskovo Regional Administrative Court led to undue delays in the appeal procedure.[894] The court systematically failed to provide interpreters in the first appeal instance to save resources in case the applicant failed to appear. The hearing would then have to be rescheduled when an interpreter was booked.

The Supreme Administrative Court in Finland highlighted the importance of providing procedural guarantees to vulnerable applicants, after the Finnish Immigration Service failed to use a same-sex interpreter to conduct an interview of a victim of sexual violence.

[li] For this reason, the individuals accommodated in the (PRO.KE.K.A.) pre-removal facility in Moria camp had limited knowledge of the reason and the timeframe of their detention. Legal Centre Lesvos. (19 January 2020). *Call for accountability: Apparent Suicide in Moria Detention Centre followed failure by Greek State to provide obligated care*. http://legalcentrelesvos.org/2020/01/19/call-for-accountability-apparent-suicide-in-moria-detention-centre-followed-failure-by-greek-state-to-provide-obligated-care/

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