1. Fair Trials is a global criminal justice watchdog with offices in London, Brussels and Washington, D.C., focused on improving the right to a fair trial in accordance with international standards. Fair Trials’ work is premised on the belief that fair trials are one of the cornerstones of a just society. Its 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.

2. Fair Trials’ report, The Disappearing Trial, documented the global growth of trial waiver systems, including plea bargaining, and their impact on human rights and access to justice. Whilst we recognise that trial waiver systems can yield positive results for overburdened criminal justice systems, but there are certain procedural safeguards that must accompany trial waiver systems in order for them to be compatible with human rights law. This submission focusses on the challenges posed to fair trial rights by the introduction of online plea deals, in particular the automatic online conviction procedure, and also briefly summarises our concerns regarding the Government’s plans to expand the use of video hearings.

3. Fair Trials welcomes this opportunity to input into this consultation and the concerns raised by the Justice Committee over the reforms’ impact on access to justice. We recognise that inefficiencies and delays can undermine the effectiveness of criminal justice systems, and we also recognise that certain technological advancements can help tackle these challenges. However, we believe that the impact on human rights and access to justice should always be a primary concern that outweighs the interests of costs, and convenience for any measure the Government wishes to adopt to improve efficiency.

Summary and Recommendations of this submission

4. Fair Trials has concerns that the automatic online conviction procedure currently proposed by the Government is not compatible with Article 6 of the European Convention on Human Rights (ECHR). In particular, we feel that the procedure is not compatible with the European Court of Human Rights’ jurisprudence on the safeguards necessary to ensure that plea bargains are compatible with Article 6. Imposing an automated fine for offences completely removes any human consideration or tailored approach to criminal justice. This represents a fundamental shift in the way we conceive of, and deliver, justice. Justice should not be a tick box exercise, where defendants click away their fair trial rights in exchange for convenience.

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1 www.fairtrials.org
2 Fair Trials, ‘The Disappearing Trial: Towards a rights-based approach to trial waiver systems’ (2017)
3 Natsvlishvili and Togonidze v. Georgia App. no. 9043/05 (Apr. 29, 2014)
5. The measure of success for the automatic online convictions scheme is fundamentally flawed. ‘User satisfaction’ is not an indication of the delivery of justice, and is an inappropriate measure of the way these reforms impact access to justice.

6. The government cannot justify the use of the automatic online conviction system on the basis that it will be used only for minor offences for which there is no risk of a custodial sentence. This would ignore the fact that there are numerous long-term and potentially serious implications of even minor criminal records.

7. The automatic online conviction system provides insufficient safeguards to ensure that vulnerable defendants and those with limited English language skills are not disadvantaged. The support systems proposed by the Government places an unreasonable onus on vulnerable defendants to identify their own need for special assistance, and to actively seek it.

8. The system proposed by the Government gives inadequate consideration to the fact that in reality, many defendants choose to plead guilty for the perceived convenience of doing so, even if they have a valid defence.

9. More research is also needed into how defendants appearing via video link affects the outcome of proceedings, as well as crucial fair trial rights.

10. We would urge the Government to:

   a) Reconsider any kind of ‘automatic’ conviction which is not subject to judicial review;
   b) Ensure that any proposals to improve the efficiency of the criminal justice system prioritises human rights and access to justice;
   c) Provide clearer information on the proposed reforms, and facilitate further input from practising defence lawyers, magistrates, civil society organisations, and academics; and
   d) Conduct more research on the impact of defendants appearing via video link on the outcome of proceedings, as well as defendants’ ability to effectively participate in proceedings and receive effective legal advice.

**Automatic online conviction**

11. The Government reforms introduce a new procedure for pleading guilty called ‘automatic online conviction’.\(^4\) Under the new procedure, defendants would be able to log on to an online system, view the charges and evidence against them, and decide whether to make a guilty plea. They would be offered a pre-determined penalty (plus costs and compensation) if they plead guilty within 21 days. If defendants accept, they are convicted and fined immediately through an automated system, without the involvement of a magistrate.\(^5\) This procedure would be available for defendants

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\(^5\) Joshua Rozenburg, ‘The Online Court: will IT work?’ , the Legal Education Foundation (2019)
accused of certain specific offenses, none of which incur the possibility of a custodial sentence. The offences selected for the initial pilot of the procedure are railway fare evasion, tram fare evasion, and possession of unlicensed rod and line.\(^6\)

12. Government plans state that in due course ‘we would plan to bring other non-imprisonable offences, mainly road traffic offences, into the system’\(^7\) and that they plan on ‘introducing provisions which would allow criminal offences which fit the existing criteria to be added to the process via secondary legislation in future as appropriate’.\(^8\)

13. The number of all summary non-imprisonable offences committed each year is significant at around 890,000.\(^9\) Given that from 2017-2018, 1.38 million defendants were prosecuted in Magistrates courts,\(^10\) summary non-imprisonable offence make up a substantial proportion of the crimes dealt with. The Government reforms clearly envisage that digital reforms will have a huge impact on the workload of Magistrates. A report by the National Audit Office states that digital reforms will ‘reduce the number of criminal cases requiring a physical court hearing each year by around half (from 1.7 million to 0.9 million)’.\(^11\) This will be done through a combination of ‘virtual hearings’ and online guilty pleas (both through automatic online conviction and other online guilty plea procedures).\(^12\)

14. Automatic online conviction would be fundamentally different to other existing and planned online plea procedures for summary offences, such as the ‘make a plea’ online traffic offence procedure which has been rolled out nationally, because it wholly removes any form of judicial review from the criminal justice process. For example, under the ‘Make a plea’ scheme for traffic offences where defendants can plead guilty online, cases are still subject to review, and defendants may submit mitigating circumstances when pleading guilty.\(^13\) It is therefore an online version of the Single Justice Procedure (SJP), where a Magistrate reviews cases, and the government plans to move all SJP procedures online eventually.\(^14\) Automatic online conviction, however, will allow defendants to plead guilty online and receive an automated penalty- resulting in a criminal record- with no such judicial review, or any requirement to receive legal advice. 

Accessing legal advice

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\(^7\) Ibid. para 26
\(^8\) Ibid para 27
\(^9\) Ibid under ‘What is the problem under consideration? Why is government intervention necessary?’
\(^10\) Ministry of Justice, ‘Criminal Justice Statistics quarterly, England and Wales, April 2017 to March 2018 (provisional)’ p.4
\(^12\) Ibid. p.12 paras 1.9 a-c
\(^13\) Keep Me On The Road, ‘“Make a Plea” Online Scheme’
\(^14\) Ministry of Justice, ‘Evaluating our reforms Response to PAC recommendation’ 4 January 2019 p.4 para 23(c)
15. During the consultation of the Government’s paper setting out the reforms, the majority of respondents (60%), did not state that they agreed the proposed safeguards were adequate, and one of the most frequently raised concerns was access to legal advice.\textsuperscript{15} Despite these concerns, the Government responded that ‘mandating the receipt of legal advice is not necessary’ regarding the automatic online conviction procedure.\textsuperscript{16}

16. Research has shown that defendants who do not have legal representation are often not able to understand crucial parts of the criminal justice process, which leaves them disadvantaged.\textsuperscript{17} In Transform Justice’s report on unrepresented defendants, one prosecutor stated that ‘people don’t understand the difference between a defence and mitigation.’\textsuperscript{18} Prosecutors also raised concerns that unrepresented defendants often did not understand whether the case against them was strong or weak.\textsuperscript{19} Yet under the Government’s plans, defendants are supposed to be able to assess the evidence against them online, understand the weight of that evidence and the strength of the case, understand the difference between mitigating circumstances and whether they have a defence, as well as the potential financial consequences of pleading guilty or not guilty.

17. The Government states that the system ‘will point users to sources of support where relevant: users will be advised to seek advice from Citizens Advice or a legal provider before proceeding, and will also be signposted to HMCTS Customer Service Centres’.\textsuperscript{20} However, HMCTS call centre advisors do ‘not give legal advice, advice on the merits of the case or which plea to enter’.\textsuperscript{21} The fact that defendants can plead guilty online without accessing legal advice, is in itself a suggestion that legal advice is not strictly necessary.

18. Indeed, in the National Audit Office’s report, which provides examples to illustrate the effects of the reforms, an example regarding traffic offences states that under the current system ‘Defendants often sought legal representation’, whereas in the future, there will be ‘Less demand as process is intended to be straightforward and simple.’\textsuperscript{22} An expectation that defendants will no longer seek legal advice for online plea procedures is not desirable nor in the interests of justice. Particularly in the case of automatic online conviction, where the case will not be subject to the review of a Magistrate, the lack of any legal or judicial oversight that may act in the interests of

\textsuperscript{16} Ibid. p.13 para 29(a)
\textsuperscript{17} See Transform Justice, ‘Justice denied? The experience of unrepresented defendants in the criminal courts’, (2016)
\textsuperscript{18} Ibid. p.11
\textsuperscript{19} Ibid.
\textsuperscript{20} Ministry of Justice, ‘Transforming our justice system: assisted digital strategy, automatic online conviction and statutory standard penalty, and panel composition in tribunals Government response’ (2017) p.11
\textsuperscript{21} Ibid. p.8 para 13(b)
\textsuperscript{22} National Audit Office, ‘HM Courts & Tribunals Service Early progress in transforming courts and tribunals’, (2018) p.14 Figure 1, ‘Legal help expectations’
the defence is highly concerning. The legal consequences of being found guilty of the offence will be the same whether the procedure is online or not, and defendants should not be expected or incentivised to sacrifice crucial safeguards in the name of efficiency and convenience.

19. The Government has indicated that for automatic online conviction, a ‘decision tree’ will require the user to accept that they have understood the information presented to them. Requiring users to accept that they have understood the relevant information and consequences of pleading guilty is not the same as ensuring that defendants have actually understood these things, which should ordinarily be determined via judicial review.

20. The consultation document states that ‘The courts will also have powers to set aside the conviction and start proceedings again in the event that it is subsequently proved that the defendant did not understand the consequence of their decision’. This may shift the burden of proof onto a defendant to prove that they did not understand a legal procedure during which they may have had no access to legal advice. This also relies on defendants having the resources and mental capacity to raise and pursue this issue.

Compliance with the ECHR

21. Summary offences are classified as criminal offences in England and Wales, and therefore trigger certain Article 6 rights under the criminal limb of the European Convention on Human Rights. The government stated that it does not feel that the procedure will violate Article 6 of the ECHR (right to a fair trial) or compromise the principles of justice. The issue of plea bargaining in the context of the right to a fair trial has only been considered by the European Court of Human Rights in one case, Natsvlishvili and Togonidze v. Georgia. The Court stated that the safeguards necessary to ensure the legality of the trial waiver were that: (a) “the bargain had to be accepted…in full awareness of the facts of the case and the legal consequences and in a genuinely voluntary manner”; and (b) “the content of the bargain and the fairness of the manner in which it had been reached between the parties had to be subjected to sufficient judicial review.”

22. Whilst the first of these requirements could be satisfied by the procedure if defendants have in fact understood the consequences of their plea and entered into the procedure

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23 Ministry of Justice, ‘Transforming our justice system: assisted digital strategy, automatic online conviction and statutory standard penalty, and panel composition in tribunals Government response’ (2017) p.11 para 23(a)
24 Ibid para 23(d)
25 “If domestic law classifies an offence as criminal, then this will be decisive.” Guide on Article 6 of the European Convention on Human Rights Right to a fair trial (criminal limb) (2018) p.11 2. (17)
28 Fair Trials, ‘The Disappearing Trial: Towards a rights-based approach to trial waiver systems’ (2017) p.65 para 130
voluntarily, it is difficult to see how the requirement of sufficient judicial review can be met for an automated procedure with no human, let alone judicial, review. Furthermore, the absence of effective judicial review means that the voluntariness and understanding of a defendant cannot be adequately assessed. In practice, this means that in many circumstances, the first requirement will also not be satisfied.

Evaluating the impact of reforms

23. The Government paper setting out the reforms stated that it would make the justice system more efficient and streamlined. Yet concerns have been raised that increased efficiency is at the expense of ensuring access to justice and a fair process for all. Fair Trials agrees that whatever process is adopted for making the criminal justice procedures more efficient, the interests of justice and fairness should always outweigh those of convenience and costs.

24. The Government has stated that it intends to use feedback from users of the system to make sure that it is ‘fit for purpose’, but its proposals for evaluating and monitoring the automatic online conviction scheme seems to suggest that its primary focus is neither on procedural fairness nor access to justice.

25. Suggested metrics to assess user experience have no relevance to whether or not defendants have effectively accessed justice. These include ‘people’s perception (what public users think and feel about our service), effort (how hard it is to use our service) and experience (whether we reliably do what we said we would do).’ These obviously prioritise efficiency and user-friendliness, and totally ignore what should clearly be the main objective of criminal process – which is to deliver justice. Rather than assessing whether users found it quick and easy to receive a criminal conviction, the government should be assessing how users’ decision to plead was informed and motivated. For example, users should be asked if they had access to legal advice, if they perceive the system as being fair and just, and if the convenience of entering their plea online influenced their decision to plead guilty.

26. The method by which the government collects feedback from the users of online systems is also flawed. The online ‘Make a plea’ traffic offence service has a built-in evaluation element, which means users can give feedback immediately after they have used the service. This method of collecting feedback might be useful for

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29 ‘Transforming Our Justice System’ By the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals, (2016)
31 Ministry of Justice, ‘Transforming our justice system: assisted digital strategy, automatic online conviction and statutory standard penalty, and panel composition in tribunals Government response’ (2017) p.11 para 23(c)
32 Ministry of Justice, ‘Evaluating our reforms Response to PAC recommendation’ 4 January 2019 p.5 para 26
33 One consideration of accessing justice is accessing the formal legal system and “whether the safeguards relied on are sufficient to render the system fair and just”, R (Detention Action) v First Tier Tribunal (Immigration and Asylum Chamber) [27] see more on this in Byrom, N (2019) ‘Developing the detail: Evaluating the Impact of Court Reform in England and Wales on Access to Justice’
34 Katie Dean, ‘Making a plea online for traffic offences has got easier’ Inside HMCTS (2017)
understanding perceptions regarding convenience, but fails to take into consideration that in many cases, users may not be able to appreciate the merits or flaws of the system until much later on.

27. As discussed below, a criminal conviction can affect people’s lives in numerous ways that may not be immediately apparent to a defendant when they plead guilty to a crime. It may, for example, only be further down the line when the implications of a pleading guilty are fully realised, that the defendant appreciates whether or not the system had sufficient safeguards and information to ensure that the outcome was fair.

**Unforeseen consequences**

28. The offences covered by the automatic online conviction scheme are currently limited to a handful of summary offences that are not punishable by imprisonment. However, the government should be cautious about expanding this scheme more broadly to other minor offences that do not attract a custodial sentence. Convictions of even minor offences can nevertheless have serious consequences for the lives of individuals. Travel, insurance, credit ratings and job opportunities can all be adversely impacted by summary offences on a person’s criminal record.

29. Professions such as nursing, social care, child-minding and teaching require enhanced Disclosure and Barring Service (DBS) checks, which result in the disclosure of minor convictions that do not result in custodial sentences. In order to complete required placements as part of University courses when studying any of these subjects, students have to undertake enhanced DBS checks. Whilst it may remain at the discretion of employers whether a conviction for a summary offence of this kind should affect a person’s ability to do the job or complete the course of study in question, there is little doubt that people with a criminal record are disadvantaged compared to those without a conviction. For those who are non-UK citizens, criminal records can affect the right to remain in the country.³⁵

30. The Government has stated that the system will prevent users from pleading guilty without a full understanding of their decision and the potential consequences, with explicit reference to the disclosure regime.³⁶ Yet the repercussions may be distinct for different individuals, and it is unclear whether people will simply be informed that they will have a conviction and that conviction may appear on a DBS check, without explaining what the personal impact of that may be. Will people be informed, for instance, that their regular trips to the USA for work may no longer be possible under the visa waiver program? Will individuals know to consult their employers about travel restrictions and any associated costs or inability to fulfil their work obligations before pleading guilty? More information is needed than simply referring to a

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³⁵ Immigration Rules, 322; Corker Binning, ‘Jemma Sherwood-Roberts and Peter Binning discuss rail fare evaders in The Times Law Brief’, (2017)
³⁶ Ministry of Justice, ‘Transforming our justice system: assisted digital strategy, automatic online conviction and statutory standard penalty, and panel composition in tribunals Government response’ (2017)p.11 para 23(a)
‘decision tree’ on how individuals will be adequately informed of the myriad ways pleading guilty to an offence which will appear on their criminal record may have on their lives.

Vulnerable suspects

31. There is strong evidence to suggest that people with mental health difficulties and learning disabilities are vastly overrepresented in the criminal justice system in England and Wales.\(^{37}\) During the consultation phase, ‘major concern’ was raised by respondents that the reforms would adversely impact users with vulnerabilities, in particular those with learning difficulties, mental health issues or poor language skills, who have additional difficulties understanding the long-term implications of pleading guilty and accepting a criminal conviction and the standard penalty.\(^{38}\) Fair Trials expresses similar concerns regarding defendants with limited command of the English language, such as foreign national defendants, who face additional barriers to effective participation in their criminal proceedings.

32. The government response to these concerns stated that the procedure will be designed to ensure that defendants have a full understanding of the consequences of their decision, again referring to the ‘decision tree’.\(^{39}\) This is the same process that all users will be required to complete, and does not detail any additional provisions for people with mental health difficulties or disabilities. As with all users, whether or not defendants have understood the consequences and the case against them is supposedly measured by whether defendants themselves agree during the procedure that they have, with no judicial oversight and potentially no legal advice.

33. The Government response further states that the ‘assisted digital support takes into account the needs of those who are elderly or have disabilities, those with poor literacy or English skills, and those who lack access to technology because of cost or geography’.\(^{40}\) Assisted digital support refers to call centres, postal and face-to-face services that the government plans to roll out in conjunction with the automatic online conviction procedure, and will not provide legal advice. It will therefore only be provided to those who actively seek it out, and telephone support may incur call costs.\(^{41}\)

34. These plans place the onus on vulnerable defendants to not only understand their own need for additional support, notwithstanding the fact that in many cases, their vulnerabilities may not already have been identified, but also to actively seek out digital support services and legal advice from separate sources, and even incur associated costs. This raises huge concerns over the ability of vulnerable users to access justice and the burden placed on them in order to access it. Fair Trials also has doubts that even if the online system does accommodate the needs of defendants with

\(^{37}\) The last comprehensive study was conducted in 1998 and found that 90% of the prison population had a psychiatric disorder. See JUSTICE, ‘Mental health and fair trial’, (2017) paras 1.2-1.110


\(^{39}\) Ibid p.11 para 23(b)

\(^{40}\) Ibid. p.11 para 23(c)

\(^{41}\) Ibid. p.6 para 9(b)
limited command of the English language, this will be a suitable substitute for assistance from a qualified language professional.

**Incentivising guilty pleas**

35. The phenomenon of innocent people pleading guilty has been documented by civil society organisations and the media during the global rise of plea bargaining and trial waiver systems over the last three decades. Defendants may feel pressured for a range of reasons into pleading guilty, and this pressure may be exacerbated for vulnerable defendants. There are several safeguards that Fair Trials has identified in order to ensure that trial waiver systems are in compliance with human rights; mandatory access to a lawyer, enhanced disclosure requirements, timing of agreements, judicial scrutiny, data collection and limitations on benefits. The Government’s proposals for automatic online conviction only seemingly comply with safeguards for disclosure and limitation on benefits.

36. As the case of Robert Rowland demonstrates, (a man who initially plead guilty under the SJP just to ‘save hassle’ despite knowing his innocence), the convenience of guilty plea systems can incentivise people who know that they have a valid defence or mitigating circumstances, to plead guilty anyway. Under the automated online conviction procedure, the standardised sum of money to be paid will be clearly communicated before pleading. In this case, it would have therefore removed the likelihood of receiving the financial shock and appealing the case, and Mr Rowland would have paid a standardised fine and received a criminal record. Whilst cases like this demonstrate the need for defendants to be fully aware of the financial implication of pleading guilty, which seems to be adequately considered in the Government’s plans, much more concerning is the willingness of people to receive a criminal record for a crime they did not commit, which has not been adequately addressed at all.

37. Furthermore, court closures across the country through the digital reforms may also act as an incentive for people to simply plead guilty and receive a conviction online, rather than going to court and challenging the case. In 2016, the Ministry of Justice stated that it never promised to ensure a benchmark for acceptable public transport

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42 See, for example, Fair Trials, *The Disappearing Trial: Towards a rights-based approach to trial waiver systems* (2017); National Association of Criminal Defense Lawyers (NACDL) *“The Trial Penalty: The Sixth Amendment Right to Trial on the Verge of Extinction and How to Save It.”* (2018); Oliver Wright, *Court rule changes ‘may drive innocent defendants into making guilty pleas’*, The Independent, (2016)

43 Fair Trials, *The Disappearing Trial: Towards a rights-based approach to trial waiver systems* (2017)

44 Robert Rowland *got on his usual bus to work* and found he had left his wallet at home, so couldn’t pay the £1.50 fare. The bus driver allowed him on since he knew him. Unfortunately, a bus inspector got on, and refused to accept the story. When Mr Rowland got his summons he got the impression that the fine would be £225. He pleaded guilty (by post), just to save hassle but, after the case was heard in his absence, he received a request for a much larger fine of £756.50. Mr Rowland said “I was in shock. The whole thing is a Kafka-esque nightmare”. But he appealed the conviction, and eventually TfL dropped the case.

45 Ministry of Justice, *‘Transforming our justice system: assisted digital strategy, automatic online conviction and statutory standard penalty, and panel composition in tribunals Government response’* (2017) p.8 para 16

46 The Government has stated that defendants who opt into the procedure will be informed of ‘the prospective fixed fine and other costs and penalties it will incur’. Ibid. p.10 para 21(e)
travel time to attend court hearings. The fact that defendants who have a valid defence or mitigating circumstances will be informed that they may have to attend a court hearing if they do not plead guilty, with the additional time and costs that may entail, may further incentivise people to plead guilty.

38. Fair Trials is concerned that there is a significant risk that allowing thousands of people to go online and criminalise themselves without adequate legal safeguards is contrary to the principles of justice, and will result in an over criminalised population. In the United States, where 97% of cases are resolved through plea bargains, 1 in 3 adults has a criminal conviction. In England and Wales, where guilty pleas are also becoming the norm, over 11 million people have a criminal record, which is roughly 1 in 6 people. As a society, we should question whether the criminalisation of millions of people, particularly for minor offences, reflects the principles of fairness and justice. As this system is rolled out and more offences are included, Fair Trials is concerned that instead of delivering justice, the automatic online conviction system will simply result in more criminal convictions for minor offences, with the potential to affect the life chances of hundreds of thousands of people across the country.

### Video Hearings

39. Fair Trials is aware that appearing via video link can have significant advantages for defendants, including a more convenient way to engage in the criminal justice process and removing the need to be transported physically to courts in uncomfortable transport.

40. Despite this, hearings where defendants appear via video link also pose serious concerns for fair trial rights. The limited research that was been conducted during a pilot scheme suggests that defendants who appeared via video link from police custody to the court were less likely to take up legal advice, even where this was offered free of charge to all defendants regardless of means-testing. Defendants were also more likely to get a prison sentence, which raises huge concerns over the affect of video hearings on the outcome of proceedings. More research is needed into how video hearings affect the outcomes of proceedings, as well as defendants’ perception of justice.

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50 In the higher courts of England and Wales, (where statistics are collected), in 2014 70% of all criminal cases, and 90% of convictions were resolved through a trial waiver (known as “guilty plea”) Fair Trials, ‘The Disappearing Trial: Towards a rights-based approach to trial waiver systems’ (2017) p.32 para 52
51 Unlock, ‘Number of people with convictions’, (2017)
52 Transform Justice, ‘Defendants on video – conveyor belt justice or a revolution in access?’, Penelope Gibbs (2017) p.5
53 Ibid p.10
54 Ibid.
41. Significant concerns have also been raised over the affect that video hearings may have on vulnerable defendants, and those who do not speak English as a first language, and their ability to participate effectively in proceedings.\textsuperscript{55} Effectively participating in proceedings is a requirement under Article 6 of the ECHR, and defendants in the UK have a right to translation and interpretation in order to allow them to exercise their Article 6 rights in full.\textsuperscript{56} Initial research and surveys suggest that video hearings may negatively impact the ability of those with limited English language skills to participate in proceedings, yet there appears to be no guidance on the criteria used to determine whether hearings should be conducted via video link.\textsuperscript{57}

42. Fair Trials would like to take this opportunity to draw attention to Transform Justice’s research and recommendations on this subject, in particular the need for more research before these initiatives are implemented on a wider scale.\textsuperscript{58}

\textsuperscript{55} Ibid. pgs. 20-27
\textsuperscript{56} 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
\textsuperscript{57} Transform Justice, ‘Defendants on video – conveyor belt justice or a revolution in access?’ Penelope Gibbs (2017) p.27
\textsuperscript{58} Ibid. p.34