

University of Ljubljana



Lessius

**Ljubljana  
Slovenia**  
24 to 26 November 2011

**Madrid  
Spain**  
15 to 17 March 2012

**Helsinki  
Finland**  
13 to 15 June 2012

**Antwerp  
Belgium**  
17 to 20 October 2012

## **TRAFUT – Training for the Future**

**JUST/2010/JPEN/AG/1549**



### **FINAL REPORT**

#### **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**

The number of criminal proceedings in the EU27 continues to increase year after year. With the greater mobility of EU citizens, globalisation and the ensuing passing through of migrants and immigrants as well as with an increase in cross-border crime, there is no reason to expect that this number will decrease. Consequently, one of the most striking aspects of every modern criminal justice is its multilingual and multicultural character, hence the need for reliable, quality legal interpreting and translation to ensure the fairness of the proceedings and rights of both the state and the defence. Moreover, these challenges require ever closer cooperation, mutual recognition and exchanges among EU Member

States. However, such cooperation can only be effective if there is mutual confidence between the authorities of the Member States, and this ultimately rests on reliable communication channels and hence, once again, on reliable quality legal interpreting and translation.

Following a long history of experts' meetings, a Green Paper and two attempts at passing a Framework Decision, one on procedural rights in general and one specifically on the right to translation and interpretation in criminal proceedings, the Commission, Parliament and Council taking advantage of the new possibilities for legislation offered by the Lisbon Treaty (01.12.2009), on 26.10.2010 issued the *Directive on the Right to Interpretation and Translation in Criminal Proceedings*.<sup>1</sup>

**These are the most salient issues in the Directive:**

Art 1.1 The right to interpretation and translation in criminal proceedings and proceedings for the execution of a European arrest warrant.

Art. 1.2 The right to interpretation and translation in criminal proceedings from the time that persons are made aware by the competent authorities of a Member State, by official notification or otherwise, that they are suspected or accused of having committed a criminal offence until the conclusion of the proceedings.

Art. 2. 1 Persons shall be provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings.

Art. 2.2 Interpretation shall be available for communication between suspected or accused persons and their legal counsel.

Art. 2. 3 Persons with hearing or speech impediments shall be given appropriate assistance.

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<sup>1</sup> 26.10.2010 Official Journal of the European Union L 280/1. See [http://ec.europa.eu/justice/criminal/criminal-rights/right-translation/index\\_en.htm](http://ec.europa.eu/justice/criminal/criminal-rights/right-translation/index_en.htm) The text can also be found at [http://eulita.eu/sites/default/files/directive\\_en.pdf](http://eulita.eu/sites/default/files/directive_en.pdf)

Art. 2. 4 A procedure or mechanism shall be in place to ascertain whether suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter.

Art. 2. 5 The right to challenge a decision finding that there is no need for interpretation... the possibility to complain that the quality of the interpretation is not sufficient to safeguard the fairness of the proceedings

Art. 2. 6 Communication technologies such as videoconferencing, telephone or the Internet may be used.

Art. 2. 7 Interpretation and translation shall be provided in proceedings for the execution of a European arrest warrant.

Art. 2. 8 Interpretation... shall be of a quality sufficient to safeguard the fairness of the proceedings.

Art. 3. 1 Suspected or accused persons who do not understand the language of the criminal proceedings... are to be provided with a written translation of all documents which are essential.

Art. 3. 2 Essential documents shall include any decision depriving a person of his liberty, any charge or indictment, and any judgment.

Art. 3. 3 The competent authorities shall, in any given case, decide whether any other document is essential.

Art. 3. 5 The right to challenge a decision finding that there is no need for the translation of documents... the possibility to complain that the quality of the translation is not sufficient to safeguard the fairness of the proceedings.

Art. 3. 6 In proceedings for the execution of a European arrest warrant... a written translation of that document.

Art. 3 9 Translation... shall be of a quality sufficient to safeguard the fairness of the proceedings.

Art. 5. 1 Member States shall take concrete measures to ensure that the interpretation and translation provided meets the quality required under Article 2(8) and Article 3(9).

Art. 5. 2 Member States shall endeavour to establish a register or registers of independent translators and interpreters who are appropriately qualified.

Art. 6 The training of judges, prosecutors and judicial staff... to pay special attention to the particularities of communicating with the assistance of an interpreter.

Art. 9. 1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 27 October 2013.

This means, pursuant to Article 9, that every EU member state has been confronted with the urgent challenge to implement the articles of this Directive into their national legislation and administrative procedures, i.e. to ensure that quality legal interpreting and translation are provided throughout the criminal justice system and this by October 2013.

In order to assist all relevant stakeholders such as ministry officials, the various legal professions involved (judges/magistrates, prosecutors, lawyers and the police), as well as the associations and training institutes of legal interpreters and translators during the process of implementation, EULITA - the European Legal Interpreters and Translators Association - together with Lessius University College and a consortium of two other academic institutions, four national, two European and one international association, representing in its membership ten EU member states, were awarded funding under the EU Criminal Justice Programme for a project (JUST/JPEN/AG/1549 – TRAFUT – Training for the Future) that is intended to assist in and contribute to the implementation of this Directive. To gauge the importance the Commission attaches to the Directive and the ongoing process of ensuring procedural rights in criminal proceedings, including EU projects such as TRAFUT, the reader is invited to watch

Vice-President of the EU Commission, Ms Viviane Reding's message to the workshop participants at the EULITA website. (see: <http://eulita.eu/training-future>)<sup>2</sup>

For the purposes of this implementation process, the TRAFUT project team developed four workshops that were held throughout the EU in the course of 2011 and 2012:

- Ljubljana, Slovenia, from 24 to 26 November 2011
- Madrid, Spain, from 15 to 17 March 2012
- Helsinki, Finland, from 13 to 15 June 2012
- Antwerp, Belgium, from 18 to 20 October 2012

The first Workshop was organized in Ljubljana, Slovenia and after careful evaluation and adaptation offered again in three more, different locations in the EU in order to achieve widespread dissemination of best practice models and strategies in a coherent management and implementation process of the Directive.

Representatives from six to seven EU member states per workshop were invited to attend these regional workshops and, as the lists of participants show (see [www.eulita.eu](http://www.eulita.eu)), by the end of the project all EU Member States were, be it in larger or lesser numbers, represented at one or other of these workshops. In addition, colleagues from Switzerland, Norway, Serbia, Croatia, Turkey and the Russian Federation were also among the participants. On average, 80 to 110 persons attended the workshops.

In a number of modules, invited experts addressed and discussed with the participants the various aspects covered by the articles of the Directive.

The experts and speakers came from the EU Commission DG Justice and the Secretariat of the EU Council, from the European Court of Justice, the European Court of Human Rights, the European Criminal Bar Association, the Council of Bars and Law Societies in Europe, the European Forum of Sign Language Interpreters, besides many judges, prosecutors, lawyers,

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<sup>2</sup> The Directive is the first measure of what is known as the 'Stockholm roadmap, a package of procedural safeguards in criminal proceedings. In the meantime, measure B, a second Directive on the right to information –including the right to an interpreter! – has been passed. On 22 May 2012 Directive 2012/13/EU of the European Parliament and of the Council on the right to information in criminal proceedings was agreed upon. Measure C on the right to access to a lawyer is virtually ready for approval. Of related interest is Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, which in turn has important and substantial sections on interpreting and translation.

police officers, representatives of ministries of justice and of national professional associations of legal interpreters and translators, academics and trainers.

Besides the reports in each workshop by representatives of the national or regional associations of (legal) interpreters and translators on the situation in their country, the following is an exemplary sample of the contributions presented at one or other of the workshops:

Presentation of the Directive: Luca De Matteis, General Secretariat of the Council of the EU

Presentation of EU Directive 2010/64/EU: Steven Cras, Council of the European Union

Transposing the EU Directive into National Law: Mauro Miranda, EU Commission, DG Justice

Transposing EU Directive 2010/64/EU into national law: Bärbel Heinkelmann, EU Commission, DG Justice

Language assistance in criminal proceedings: from the European Convention on Human Rights to Directive 2010/64/EU: James Brannan, European Court of Human Rights, Strasbourg, France

The international perspective on legal interpreting and translation: Daniela Amodeo, European Court of Justice, Luxembourg

Use of Legal Interpreters and Translators from a Judge's View: Lord Gill, United Kingdom

Aarhus study on education of judges and guidelines on courtroom interpreting: Tina Paulsen Christensen, Aarhus University, Business and Social Sciences, Denmark

Quality in interpreting and translation as seen by users (court proceedings): Martin Wenning-Morgenthaler, Spokesman, Neue Richtervereinigung, Germany

Use of Interpreters from a Defence Agent's View: Gerard Brown, United Kingdom, Council of Bars and Law Societies of Europe

Vademecum for lawyers: Roland Kier, Austria, European Criminal Bar Association

Use of Legal Interpreters and Translators from the Police Perspective: Dirk Rombouts, Belgium

The police perspective: Amanda Clement, Head of Language Policy & Co-ordination  
Metropolitan Police Service – Language & Cultural Services, United Kingdom

Enhanced communication via an interpreter, Cambridgeshire Constabulary awareness film:  
Katrina Mayfield, Interpreting and Translation Services, Manager for Cambridgeshire  
Constabulary, United Kingdom

Aspects of transposition – Managing a Register of Legal Interpreting and Translation and  
Calculating the Cost for Language Services for the Judiciary and the Police. - Implementing a  
Model: the Dutch Experience: Evert-Jan van der Vlis, Ministry of Justice, Netherlands

Case Study – The Norwegian National Register of Interpreters: Leonardo Doria de Souza,  
Adviser, Strategy office / Section for Interpreting Services, Norwegian Directorate of  
Integration and Diversity, Norway

Developments in the Swedish registration and procurement system: Ivett Larson and Klas  
Ericsson, Kammerkollegiet Statens inköpscentral (Legal, Financial and Administrative  
Services Agency), Sweden

History and Status of the Dutch Register of Sworn/Legal Translators and Interpreters: Han  
von den Hoff, Manager, Bureau Sworn Translators and Interpreters, Legal Aid Board,  
Netherlands

Case study – Register of Sworn Translators in Poland: Bolesław Cieślík, Sworn Translators  
Division, Ministry of Justice, Poland

E-justice Portal and a European Database of Legal Interpreters and Translators: Philippe  
Vléricq, European Commission, DG Justice

Presentation of the EULITA guidelines for registers: Liese Katschinka, President of EULITA

Training Legal Interpreters and Translators in Response to the new Directive: Christiane  
Driesen, Universities of Hamburg and Magdeburg, Convener of the AIIC Committee on  
Court and Legal Interpreting, Germany

Training Legal Translators in Response to the new Directive: Liisa Laakso-Tammisto,  
University of Helsinki, Finland

Training Legal Translators in Response to the new Directive: Catherine Way, University of Granada, Spain

Setting up accreditation systems: Cynthia Giambruno, University of Alicante, Spain

Sign-language interpreting in judicial settings – best practices: Suzanne Heuft, sign-language interpreter (SLN) and sign-language interpreter trainer at the SIGV (Stichting Instituut van Gerechtstolken & -Vertalers), Netherlands

Video-mediated interpreting in criminal proceedings: research findings and initial recommendations: Sabine Braun, University of Surrey, United Kingdom<sup>3</sup>

Practical Experience with Video-Conference Interpreting: Viive Jõgevest, Translation Bureau, Police and Border Guard Board, Estonia

Interpreting Hubs in MET Police: Jon Thomson, Chief Inspector, Metropolitan Police Service, Head of Operations, Language Programme, United Kingdom

Legal interpreters and translators from an interpreter's/translator's viewpoint – Presenting EULITA's Code of Professional Ethics: Executive Committee of EULITA

All presentations – analyses, materials, models, strategies and recommendations – have been made available to the participants in the first place but to all other relevant stakeholder groups directly involved in the implementation of the Directive via the operational website of EULITA at [www.eulita.eu](http://www.eulita.eu) or directly at the TRAFUT site at <http://eulita.eu/training-future> .

Collectively, the presentations contain interesting and relevant material on

- the background and overall objectives of the Directive, its transposition into national legislation; the extent to which its principles and articles meet or go beyond the landmark decisions on translation and interpretation by the European Court of Human Rights,

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<sup>3</sup> For more information on Assessment of Video-Mediated Interpreting in the Criminal Justice Service (AVIDICUS) - EU Criminal Justice Programme, Project JLS/2008/JPEN/037 and EU Criminal Justice Programme, Project JUST/2010/JPEN/AG/1558 see <http://www.videoconference-interpreting.net/>



- the issue of cost when managing a systemic quality provision of translation and interpretation in criminal proceedings, including the problems that arise from ill-considered outsourcing and procurement,
- the issue of quality of interpretation and translation, with the views and expectations of service providers (e.g. the courts or the police), users (e.g. lawyers or probation officers) as well as trainers of legal interpreters and translators. How to avoid the detrimental consequences of insufficient quality,<sup>4</sup>
- the issue of national registers of legal interpreters and translators. Admission procedures, qualifications, register management, etc. were discussed on the basis of best practice national examples extending to the possible integration of member states' registers into an EU electronic data base, as envisaged in the e-justice portal,
- the training and further training of both legal professionals and legal interpreters and translators, and best practices for the effective communication through and between them were presented with concrete training models and good practice instruments,
- modern communication technologies in criminal proceedings such as video-conference interpreting and the issue of appropriate assistance for persons with speech or hearing impediments, e.g. sign-language interpreting in criminal proceedings were extensively dealt with as well.

Together with the 'Proposal for a *Resolution of the Council and of the Governments of the Member States fostering the implementation of the right to interpretation and to translation in Criminal Proceedings*<sup>5</sup>, and the *Report of the Reflection Forum on Multilingualism and*

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<sup>4</sup> It might be useful to mention that currently two DG Justice projects are carried out that can be seen as follow-up projects on TRAFUT: QUALETRA (on the translation issues raised in the Directive), in which EULITA is a full partner, and QUALITAS (on the issue of testing and certifying legal interpreters).

<sup>5</sup> Council of the European Union, 12116/09, Brussels, 15 July 2009, DROIPEN 66, COPEN 139. A Resolution is a recommendation without legally binding power but an interesting document nevertheless indicating the mindset of the Commission and the Council behind then Framework Decision proposal. But a Directive does not require or allow a Resolution, hence its moribund status.

*(Legal) Interpreter Training*<sup>6</sup>, the TRAFUT project has laid firm foundations on which the Member States can build and ensure that by 27 October 2013 they have systemic provision of quality legal interpreting and translation in place.

The role of EULITA and of the national associations it represents in its membership has been crucial in assisting Member States during the implementation process. The steps that have been taken towards the provision of quality legal interpreting and translation in the EU, an EU code of conduct guaranteeing cross-border integrity, best practice working arrangements with other legal professionals in multilingual criminal proceedings, the setting up of national registers, etc. will affect not only the systemic operation of all Member States in this area but even more importantly, trickle down to all EU-citizens who find themselves involved, be it as a witness, victim or defendant, in a criminal proceeding across languages.

Erik Hertog, professor emeritus (Lessius Antwerp / K.U. Leuven)

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<sup>6</sup> <http://www.eulita.eu/sites/default/files/ReflectionForumFinalReport.pdf> On the EULITA website it is also available in French, German and Spanish.

## **TRAFUT project partners**

### **EULITA, European Legal Interpreters and Translators Association:**

Liese Katschinka - is the president of EULITA

### **Lessius Antwerp / K.U. Leuven (Belgium):**

Katalin Balogh – is a lecturer in Hungarian and Interpreting, as well as a conference and legal interpreter.

Yolanda Vanden Bosch – is a barrister with the Antwerp Bar and a lecturer in law at Lessius

Erik Hertog – professor emeritus, acts as external expert

Ken De Wachter – is a research assistant at Lessius

### **University of Ljubljana (Slovenia):**

Amalja Macek and Sandro Paolucci – are researchers and trainers at the University of Ljubljana in the area of legal interpreting and translation

### **Heriot-Watt University (United Kingdom):**

Christine Wilson – Course Coordinator of Public Service Interpreting and Programme Coordinator of Interpreting Studies in British Sign Language/English)

Isabelle Perez – Lecturer, Senior Teaching Fellow, Professorial Fellow in Interpreting and Translation

### **ASSITIG, Associazione Italiana Traduttori e Interpreti Giudiziari:**

Flavia Caciagli Conigliaro – is the President of the Italian Association of Legal Translators and Interpreters (Italy).

### **APTIJ, Asociación Profesional de Traductores e Intérpretes Judiciales:**

Juan Miguel Ortega-Herráez – represents the Spanish Professional Association of Court Interpreters and Translators

**SKTL, Suomen Kääntäjien ja tulkkien liitto:**

Kristiina Antinjuntti – is the President of the Finnish Society of Legal Interpreters and Translators

**TEPIS, Polskie Towarzystwo Tłumaczy Przysięgłych I Specjalistycznych:**

Zofia Rybinska – is the Vice-President of the Polish Society of Sworn and Specialized Translators.

**AIC, the Association Internationale des Interprètes de Conférence:**

Christiane Driesen – is professor at Hochschule Magdeburg-Stendal and Head of the Legal Interpreting Programme in Magdeburg and Hamburg

**EFSLI, European Forum of Sign Language Interpreters:**

Marinella Salami – is Head of the Training and Professional Development Department of the European Forum of Sign Language Interpreters (EFSLI)

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## Basic outline of a national register of legal interpreters and translators

*On the basis of numerous conversations and debates with colleagues in most of the EU member states, as well as discussions with MoJ staff responsible for legal interpreting and translation (LIT) matters in several EU members, the EULITA Executive Committee has drawn up a number of recommendations that can serve as a basic outline for establishing new national registers or reviewing existing national registers. The general goal should be a gradual approximation of the LIT regimes in EU member states, as the national registers which are to be embedded in the European LIT database should ultimately become compatible in terms of LIT qualifications.*

**Needs analysis** – Studies and research have shown that only a few countries draw up statistics on the number of cases requiring interpreting and/or translation services. Such figures should be collected and monitored over longer periods of time. The statistics should also give a break-down according to:

What languages are needed?

How often? Where?

What types of proceedings?

How is the situation currently being handled?

What are the critical points that need to be addressed?

(Quality, quantity of LIT services, costs?)

**Countries should enact legislation** to cover legal interpreting and translation services. In order to achieve uniform standards for the admission to registers and the administration of registers, a centralized regime based on legislation will help to streamline procedures as well as to save costs. It will also facilitate regional and cross-border exchanges of LIT services.

Legislation applicable to a **national register** should cover

- the admission procedure for LITs
- the scope of application of the register (criminal courts, civil courts, all court levels, police authorities, asylum/immigration authorities, etc.)
- the day-to-day management of registers (who books LITs for assignments, who pays LITs, who maintains the register, etc.)

**When admitting legal interpreters and translators to a register, one should distinguish between 2 types of admission:**

- for a specified (renewable) period (primarily the most frequently needed languages)
- on an ad-hoc basis for single cases (for less frequently needed languages, for “emergency” situations)

**While EU Directive 2010/64 calls for independent legal interpreters and translators, -MoJs of EU member states may want to look into forms of various forms of LIT :**

- independent free-lancers
- staff interpreters and translators

**Admission procedure for LITs should cover the following points**

- general requirements  
(nationality, legal capacity, security vetting, absence of criminal record, etc.)
- special requirements  
(educational background, professional experience)

**Special requirements / Educational background:**

- language competencies (mother tongue and foreign language[s])
- interpreting and translation competencies
- terminology competencies (legal, medical, technical, etc. terminology)
- intercultural competencies
- courtroom culture

**The actual admission procedure for LITs should consist of:**

- an examination (written, oral)
- entry into register (seal, oath, LIT obligations, LIT data in register)

**The regulations on LIT registers should also cover the following points:**

- renewal of admission to register
- deletion from register

**Scope of application of register – Who should resort to the register to hire LITs:**

- courts
- police authorities
- asylum authorities
- etc.

**It is recommended to avoid parallel regimes** (i.e. one register for the police, another one for the courts, a third one for the migration services, etc.)

**Scope of application of register – For what proceedings should LITs be hired:**

- criminal law proceedings
- civil law proceedings

**Accessibility of register – Who should be able to use the LIT register:**

- Should access be limited to courts, etc.?
- Should all judicial stakeholders be able to use it?
- Should it be available to the general public?

The group of persons who can access the register determines the LIT data that will be shown in the register (data protection)

**Management of register – Who should be responsible for:**

- updating LIT data
- assigning LITs to jobs/cases

Practice shows that there several patterns: In some countries the courts manage their own LIT registers, in other countries a central unit (e.g. at the ministry of justice) is responsible for maintaining the register. The register can also be transferred to an independent agency (e.g. UK: National Register of Public Service Interpreters). In other countries translation agencies participate in tenders and act as booking agencies.

**Various points to consider:**

- The legislation on LITs should ensure the protection of LIT titles and impose sanctions on any abuse of title.
- Professional associations should contribute a code of ethics that must be subscribed by every LIT on the register. Best practices must be developed with the different stakeholders (working arrangements for LIT assignments with police authorities, courts, etc.)
- The effective communication of judicial stakeholders (lawyers, judges, police officers, prosecutors) through LITs should be promoted (e.g. VADEMECUM)
- The judicial stakeholders should set up national/regional platforms to promote relations to professional associations and to discuss LIT issues.
- The requirements for basic LIT training and for their CPD should be defined.

**Remuneration of LITs:**

**Countries should enact legislation on LIT fees (fee schedules). The fee schedule should cover remuneration of legal interpreting and translation services both for criminal and civil law proceedings.**

**In case of LIT booking agencies, there should be separate payment schemes for LIT services and intermediary management services (transparency of contracts and traceability of costs).**

**The fees for interpreting services should cover:**

- LIT travel time, travel expenses
- LIT waiting time
- LIT working time
- supplements (work at night, on weekends, under difficult working conditions, on complex subjects, etc.)
- cancellation policy for LIT assignments

**The fees for translation services should cover:**

- fee per page / 100 words / etc. of original text/translation
  - supplements (see above)
  - certification fee
  - postage
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## **Code of Professional Ethics**

adopted by the EULITA General Assembly in Prague, 4 February 2012

### **Preamble**

One of the main objectives of the European Association for Legal Interpreters and Translators (EULITA) is to represent its full and associate member associations, as well as its associated individual members at European level.

EULITA therefore has the responsibility to draft a code for legal interpreters and translators working in judicial contexts or similar settings, such as pre-trial proceedings (i.e. interviews with police and prosecution officers, consultations with defence counsels), court hearings and post-trial interventions. The Code and its underlying principles are outlined below.

The professional ethics of legal interpreters and translators derive directly from the principles that are defined in the following sources. They demonstrate the key role of legal interpreters and translators in the search for truth and how their work may affect the life and rights of others:

- The Universal Declaration of Human Rights, December 1948 (Articles 1-11)
- The European Convention for the Protection of Human Rights and Fundamental Freedoms, November 1950 (Articles 5 and 6)
- The Charter of Fundamental Rights of the European Union (2000/C 364/01), CHAPTER III – Articles 20 – 21, CHAPTER VI – Articles 47 – 50
- Directive 2010/64/EU of the European Parliament and Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings

Legal interpreters and translators thus play an essential role in all efforts to ensure the equality of citizens in justice-related communications.

The members of EULITA have accepted this Code and comply with its articles.

### **Definition of Terms**

For the purposes of this Code, the following terms shall have the following meaning:

**Legal interpreter and translator:**

Legal interpreters and translators are professional who are qualified to interpret spoken language, sign language or written language.

**Consecutive interpreting:**

The interpreter renders the interpretation after the source-language speaker has finished speaking or signing. Spoken-language interpreters can use special note-taking techniques to help in the rendering of lengthy passages.

**Simultaneous interpreting:**

The interpreter transfers the message from the source language into the target language while the source-language speaker speaks or signs continuously. This is the mode commonly used in sign-language interpreting as well as in conference settings.

**Whispering (*chuchotage*):**

Simultaneous interpreting without the use of interpreting booths usually provided for a maximum of three persons.

**Sight translation:**

It is required for the ad-hoc oral translation of documents. The source-language document is rendered orally or signed in the target language as if it were written in the target language.

**Intercultural competence:**

Awareness and full understanding of the cultural factors, including but not limited to, behaviour and gestures, values, roles, institutions, as well as linguistic differences and similarities.

## Professional Competence

Legal interpreters and translators shall use the specific interpreting technique (consecutive, simultaneous, whispering, sight translating) according to the requirements for optimum cross-cultural communication in legal settings.

Legal interpreters and translators must not take on an assignment for which they have no competences (in terms of language or subject matter), or which they are not able to perform properly (e.g. for lack of time to prepare for the assignment).

Legal interpreters and translators shall strive to maintain and improve their interpreting and translation skills and knowledge.

## **Accuracy**

The source-language message shall be faithfully rendered in the target language by conserving all elements of the original message while accommodating the syntactic and semantic patterns of the target language. The register, style and tone of the source language shall be conserved.

Errors, hesitations and repetitions should be conveyed.

An interpreter shall request clarification when he or she did not understand a sign-language user or speaker, for example for reasons of acoustics, or ambiguity of a statement. He or she shall signal and correct any interpreting errors as soon as possible.

## **Obstacles to Performance Quality**

Legal interpreters and translators shall bring to a court's\*) attention any circumstance or condition that affects the quality of performance such as interpreter fatigue, inability to hear and/or see, inadequate knowledge of the specialized terminology, insufficient understanding of a dialect. They must decline assignments that would have to be delivered under conditions that make a qualified professional performance impossible.

## **Impartiality**

Legal interpreters and translators shall remain neutral and also maintain the appearance of impartiality, avoiding any undue contacts with either witnesses, defendants and their families or members of the legal professions.

Any potential conflict of interest shall be immediately disclosed to the court\*).

## **Confidentiality**

Legal interpreters and translators shall be bound by the strictest secrecy. Any information acquired in the course of an interpreting or translation assignment for judicial purposes or its preparation shall not be disclosed.

Legal interpreters and translators shall refrain from deriving any personal or financial benefit from information they have acquired in the course of an interpreting or translation assignment for judicial purposes, or its preparation.

## Protocol and Demeanour

Legal interpreters and translators shall behave with dignity and respect towards the court and perform their duties as unobtrusively as possible.

They shall use the same grammatical person as the speaker or sign-language user. Should it become necessary for them to assume a primary role in the communication, they must make it clear that they are speaking for themselves, by using for instance the third person (i.e.: "The interpreter needs to seek clarification ...")

Legal interpreters and translators shall refrain from giving advice to the parties or otherwise engage in activities others than the ones belonging to the actual assignment.

## Solidarity and Fair Conduct

Legal interpreters and translators shall act in a spirit of respect, cooperation and solidarity towards their colleagues.

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\*) applies to all legal settings.

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**EULITA recommends that specific Codes of Best Practices should be drafted by the respective judicial administrations in cooperation with the representatives of legal interpreters and translators working for them.**

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## **Training of Legal Interpreters and Translators**

Examples for the training of legal interpreters and translators were presented at all four TRAFUT workshops. Please refer to the EULITA website ([www.eulita.eu](http://www.eulita.eu)) and the TRAFUT section where you will find the PowerPoint presentations on the training of legal interpreters and translators in response to EU Directive 2010/64 delivered in Ljubljana, Madrid, Helsinki and Antwerp.

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