

# **EULITA**

## **Code of Professional Ethics**

adopted by the EULITA General Assembly in London, 6 April 2013

### **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 legal 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 legal translators derive directly from the principles that are defined in the following sources. They demonstrate the key role of legal interpreters and legal 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 legal 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/or legal translator:**

Legal interpreters and/or legal translators are professionals who are qualified to interpret spoken language and/or sign language, and/or to translate 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:**

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

**Professional Competence**

Legal interpreters and legal 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 legal translators must not take on an assignment for which they have no or inadequate 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 legal 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 legal 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 legal 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 legal 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 legal 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 legal translators shall behave with dignity and respect towards the court\*) and perform their duties as unobtrusively as possible.

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

\*) 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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