



Irish Translators' and Interpreters' Association
Cumann Aistritheoirí agus Teangairí na hÉireann

**Submission of the Irish Translators' and Interpreters' Association to the
Joint Committee on Justice, Equality, Defence and Women's Rights
concerning the proposed EU directive on the right to interpretation and to
translation in criminal proceedings**

28th March 2010

The Irish Translators' and Interpreters' Association/Cumann Aistritheoirí agus Teangairí na hÉireann (ITIA)

The ITIA was founded in 1986 and is a not-for profit organisation. It is the only professional association in Ireland representing professional translators and interpreters. The ITIA aims to promote the highest standards within the profession and to foster an understanding among translator and interpreter clients of the highly-skilled and exacting nature of the profession. Our individual members hail from many countries and cultures, reflecting the multi-cultural nature of Ireland today and providing a wide range of language combinations to meet the exponential increase in the demand for translation and interpreting services. In addition to providing guidance to our translator and interpreter members the ITIA acts in an advisory capacity to Government bodies, NGOs, the media and others involved in the provision of translation and interpreting services to the general public. In recent years the ITIA has introduced a test for professional members and for certified translators who translate legal documents. The ITIA is a member of the European Legal Interpreters and Translators Association (EULITA).

Right to an interpreter

Our submission concerns the proposed EU directive on the right to interpretation and to translation in criminal proceedings. This is not something new because article 5 of the European Convention on Human Rights Act 2003 provides that:

Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him

And Article 6:

Everyone charged with a criminal offence has the following minimum rights:
to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

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to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Current Situation in Ireland

Ireland complies with Articles 5 and 6 in that interpreters are generally provided in garda stations and in the courts and books of evidence are translated for defendants who are not fluent in English. The problem is that the majority of translators and interpreters working for the courts and the Garda have **no qualification in translation or interpreting**. Our members who work in court inform us that many interpreters just stand beside the defendant and do not interpret what is said. They are being paid to carry out this work but they do not have the interpreting skills, understanding of how the courts system works or knowledge of legal terminology to be able to do so.

Members of our association tell us that they have come across court interpreters who do not know the meaning of basic words such as 'guilty' or 'judge'. In another case we were told of an interpreter who assumed that 'a fine of €100 or one week in default' meant that the defendant had one week to pay the fine.

Such observations are not surprising because most interpreters are recruited because they speak English and another language, not because they are professional interpreters. Furthermore, professional interpreters are not prioritised for work. There is a lack of understanding among the Garda and the Courts of the difficulties inherent in interpreting in legal situations and a general assumption that anyone who speaks two languages can interpret. Court interpreters are interviewed but are not tested to establish if they can interpret accurately. They attend a one-day training course which is totally insufficient. Most interpreters who work in garda stations have received no training.

We have no doubt that some interpreters are very competent but we are also quite sure that many are not up to the difficult task of interpreting. The fact that a person speaks English well in terms of holding a conversation or holding

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down a job in Ireland does not mean that they have the in-depth knowledge of two languages that is necessary in order to be able to interpret competently.

Incompetent interpreting in a garda station could mean that a suspect is not aware of their rights and could lead to a case being thrown out when it gets to court. It could mean that a witness statement is incorrect. It could mean that a defendant does not understand the evidence against him or her in court. Incompetent translation of a book of evidence could mislead defendants and waste court time. We find it hard to understand how the State can spend some five million euros per year on interpreting without any auditing of contracts or quality control.

Interpreter Training

The only university level course in legal interpreting in Ireland is the Graduate Certificate in Community Interpreting in the School of Applied Language and Intercultural Studies at Dublin City University. Some interpreters who speak Russian, Romanian, Polish, French and Spanish have undergone training. The course is currently being revamped and a new Graduate Certificate/ Graduate Diploma/M.A. in Legal and Medical Interpreting is planned.

Certified Translators

Most European countries have a State or regional testing system for sworn translators who are sworn in by a court. There is no such system in Ireland. In an effort to resolve this, in 2006, the ITIA introduced a test for professional members of our association who wish to specialise in the translation of legal documents to include such items as birth certificates, death certificates, divorce papers, contracts. ITIA Certified Translators are members of a panel of highly qualified and experienced translators who have demonstrated that they have the necessary skill and expertise to provide a certified translation of texts that are typically required for state departments and/or in a legal context in Ireland today. Successful candidates are issued with an ITIA stamp and with a stamp including their name and contact details.

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The Proposed EU Directive

We have been concerned about the lack of standards in legal interpreting for the last decade and have sent a number of submissions (available on our website) to the Garda and to the Courts Service. We are very pleased that fourteen EU member states wish to bring about improvements in the sector and that the European Commission believes that a directive is appropriate. We particularly welcome the new emphasis on quality in Article 5:

Member States shall take concrete measures to ensure that the interpretation and translation provided shall be of *adequate* quality so that the *suspected or accused person* as well as a person subject to *the execution of a European Arrest Warrant*, is able to exercise his rights.

The European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) has considered the proposed directive and has made a number of recommendations in a draft report¹ that we strongly support. These are:

- Training for judges, lawyers, the police and relevant court personnel so they have a better understanding of when it is appropriate to call an interpreter and of what exactly is involved in the interpreter's work.
- A right of appeal against a decision that there is no need for interpreting.
- A system of training, qualification and accreditation of translators and interpreters for legal work.
- A national register of independent professional translators and interpreters.
- Sufficient time to produce translations and to provide interpreting.

We hope that the Joint Committee will support the proposed directive and the input from the European Parliament. We believe that these measures are essential to ensure that interpreting in garda stations and the courts meets the highest possible standards. They will also help ensure that Irish citizens who are questioned by police or appear in court in other EU countries have access to properly accredited translators and interpreters.

¹ http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/pr/807/807292/807292en.pdf

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We would be very happy to appear before the Joint Committee to provide more detailed information.

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