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EU Member State Profiles: The Current State of Affairs in Europe



Cynthia Giambruno
Project Coordinator
www.qualitas-project.eu

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This chapter presents an overview of the state of affairs in all 28 EU Member as regards legal interpreting. Over the course of a year, members of the Qualitas Project contacted informants in each Member State to gather information on a series of topics related to legislative mandates for interpreting, testing and training of legal interpreters, and the existence of regional or national registers of qualified interpreters. These are the results of their combined efforts. The results are presented in a country-by-country format with a summative analysis and conclusions provided in the last section. The profiles reflect the information that informants provided based on their own experience and expertise and the situation that existed at the time the survey was done (summer-fall 2013). Given the evolving nature of the field of legal interpreting, especially as regards compliance with Directive 2010/64, some of the information may already merit updating.

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The European Union as a political entity enjoys an unprecedented level of linguistic diversity and has adopted policies that embrace the full recognition of language rights. The 28 countries of the EU recognize 24 official languages, 60 indigenous regional and minority languages, and a large number of immigrant community languages. This reality has produced a myriad of language combinations in the different Member States, all of which must be addressed as regards legal interpreting services. Providing adequate services to judicial systems and police throughout the EU at a level that inspires mutual trust and mutual recognition must be based on a clear understanding of what minimal competency levels are and on a commitment to providing the training, certification and oversight of professional performance that is needed. The first step in achieving an acceptable level of uniformity of criteria is to carry out a needs analysis based on a review of the current state of affairs in each EU Member State.

Studies have been done and papers published on current practices regarding the provision of legal interpreting services and the certification procedures used to

ensure quality in a variety of countries around the world¹. Each has contributed something to the overall discussion, but each has been partial, focusing on specific countries or approaches, and a complete profile or understanding of the status of legal interpreting services remains elusive. This fact reflects not only the challenges of trying to systematically evaluate differing realities, but also the complexity of gathering information that is reliable and accurate. However, it also reflects increased awareness as regards the importance of establishing quality standards and methods for measuring competence.

A review of the current state of affairs in the Member States of the European Union is needed to identify examples of good practice so that the expertise already gained in those countries in which progress has been made can be used to the benefit of countries still in the process of developing programs and procedures. It is needed to identify trends and problems shared by a group of Member States and those specific to only one reality. It is needed so that guidelines and indications as to how to certify individuals at a common standard throughout Europe can be developed. To this end, a template was designed by which to elicit points of information that would help identify the current state of affairs in the 28 EU Member States. These points of information include:

- The linguistic reality of each MS, including official/co-official languages and language communities needing LI services
- The legal foundations that underpin the provision of LI services
- The existence of national or regional registers of qualified professionals
- Current certification or accreditation procedures
- Collaboration between stakeholders
- Transparency in the accreditation process
- Post-certification oversight and monitoring

Experts were contacted in each of the Member States and were asked to provide the information sought. Personal contact was then made in cases in which further clarification was needed. The experts who participated came from many fields: academics whose research and teaching activities have focused on the provision of LI services, jurists who see the need for qualified interpreters in their work on a regular basis, members of professional associations who work to improve the services provided and the conditions under which interpreters work, practicing interpreters working in the judicial arena, and representatives of governmental

¹ Two of the most recent examples are Tsagari & van Deemter, *Assessment Issues in Language Translation and Interpreting* (Peter Lang, 2013), the special issue of *Translation and Interpretation: The International Journal of Translation and Interpretation* dedicated to certification and edited by Alan Melby (Vol 5, No. 1, 2013).

agencies involved in regulating LI services in their districts or countries. Each report reflects the informant's knowledge and understanding of the system as it currently stands as well as their own particular perspective². While the information requested was descriptive in nature, many respondents added comments that helped flesh out the information in a more helpful manner. Some information was not provided, and a simple "not applicable" was recorded on the form. Responses were received from 27 countries. Information on Croatia, the most recent country to join the EU, was taken from internet resources as attempts to get information from an informant were not successful.

There is a twofold purpose in the analysis of this information. The first is to provide a snapshot of the current state of affairs in each Member State, and the second is to evaluate the information points using a comprehensive approach in order to identify the current state of affairs across the European Union. The goal is to provide the information needed to develop guidelines and indications as to how to efficiently and effectively certify individuals to a common standard throughout Europe, thereby achieving the desired level of uniformity that mutual trust and mutual recognition require.

Brief Descriptive Country Profiles

In this section, a brief narrative description is provided of the current state of affairs in each EU Member State. The description is based on the information provided by professionals or experts from the Member States and in a few cases on written reports and research. Often times the wording provided by the informant has been reproduced verbatim; other times the information has been summarized and restated. The reports received varied a great deal in terms of length and detail, ranging from brief one-page reports that consisted mostly of empty spaces on the template to very detailed representations. Not all issues were given the same amount of attention in each report, a logical reflection of the differing state of affairs in EU Member States.

² The information provided was not independently verified by project members and reflects the personal experience and opinions of the informants.

AUSTRIA

German is the official language of Austria. Alemannic and Austro-Bavarian are regionally spoken variants of Upper German. The most commonly used minority languages are Turkish, Serbian, Croatian, Hungarian, Bosnian and Slovene. The Austrian Code of Penal Procedure of 1803 (150 years before the European Convention on Human Rights) included a regulation that made it mandatory to provide interpreting services to people who didn't know the German language. In 1975, Austria passed a special law on expert witnesses and court interpreters called the *Sachverständigen- und Dolmetschergesetz* (SDG) which was elaborated in collaboration with the Austrian Association of Court Interpreters. In order to become a court interpreter in Austria, an application must be submitted to the president of the regional court of the district in which the candidate resides, indicating the languages in which the candidate wishes to be certified. If, upon examination, the application shows that all prerequisites have been fulfilled, the candidate is allowed to sit for the certification exam. Prerequisites include legal capacity, legal residence in Austria, physical and intellectual aptitude, no criminal record, moral integrity, a normal economic and financial situation, and prior experience. Candidates with a degree in interpreting and translation must prove 2 years of professional experience. All other candidates must prove 5 years. The examination board consists of a judge and two examiners who are court interpreters for the candidate's language combination. The exam tests language proficiency, knowledge of both the Austrian legal system and that of the foreign country, specialized terminology, cultural competence, ethics, and translating and interpreting skills. The oral portion of the exam includes a simulated consecutive interpretation exercise in a legal setting. Feedback is given to candidates who fail the exam on how to improve skills, and a minimum time frame is recommended for reapplication. There is no limit on the number of times a candidate can repeat the exam. Certification is extended to those who pass the exam. Renewal of certification is required after 5 years. Proof of having worked professionally and completed continuous professional development must be presented. As a final feature, the title of *Allgemein beeideter und gerichtlich zertifizierter Dolmetscher* (generally sworn and court-certified interpreter) is protected by law and interlopers or individuals who misuse the title can be fined up to 10,000€. The electronic register of all admitted court interpreters is maintained by the Ministry of Justice and can be accessed at www.sdgliste.justiz.gv.at. The court interpreters who have joined the professional association *Österreichischer Verband der Gerichtsdolmetscher (ÖVGD)* can be accessed at www.gerichtsdolmetscher.at.

BELGIUM

Belgium is a linguistically diverse country both as regards co-official national languages and languages spoken by immigrant or minority communities. Dutch, French and German are co-official languages. However, in a major city like Antwerp, 120 languages are spoken and on a daily basis approximately 50

languages are used in the legal system. While there is legislation that mandates the use of sworn interpreters, police and judges sometimes appoint *ad hoc* interpreters. Furthermore, there is no national certification scheme. “Sworn interpreter” simply refers to someone accepted by local authorities, and the criteria for being a “sworn interpreter” vary from one region or locality to another. These criteria may include presenting a diploma or taking a practical test designed and administered by regional or local authorities, which is usually a written test but never a real interpreting test. Taking an oath at the time of service is also required. No official national register exists, although unofficial local registers do. Although a short introduction course (one week) on the Belgian legal system organized by the Belgian Chamber of Translators and Interpreters is available, the Antwerp court district, local police, Bar and KU Leuven-Antwerp have established a much more comprehensive system. A register was created in Antwerp in 2003 that is managed by the Court in collaboration with the District Attorney and the Bar Association. Criteria for admission to this register include certification, no criminal record, and legal resident status. Certification consists of initial screening, a training program, and certification exams, all of which have been developed and are administered by KU Leuven/Thomas More in collaboration with magistrates, attorneys and police representatives. An initial screening process measures written and oral proficiency in Dutch and the foreign language. The cut-off score for passing is 80%. After screening, candidates participate in a training program which includes a general introduction to law and units on criminal, civil, juvenile, social and immigration law as well as criminal and civil procedures, deontology and resources. This course is followed by translation and/or interpreting classes, which include note taking skills, sight translation and chuchotage. The methodology used is practical, with role-plays and visits to the courts included. The entire process entails approximately 150 hours (including the screening procedures), with 20 hours specifically dedicated to interpreting. The course is taught in Dutch by qualified professors, judges, attorneys, and police. Upon completion of the course, candidates sit for the certification exam consisting of both a written component to test knowledge of the law and translation skills, and an oral component, which takes the form of an extensive role-play, to test interpreting skills. Information is available to candidates on the internet. The costs for participating in the program currently stand at 100€ for the Dutch language screening exam, 100€ for language screening in another language, and 350€ for the training course, which includes the cost of the final exams. There is no established limit for the number of times a candidate can sit for the certification exam, and once obtained, there are no specific criteria for revocation, although a district Court or Prosecutor can decide to temporarily or permanently exclude an interpreter from the register.

In February 2014 a first step was taken towards the establishment of professional status for sworn translators and interpreters. The Belgian House of Representatives in plenary session approved a proposal put forward by Sonja Becq c.s. (CD & V) which was then sent to the Senate. It proposed the creation of a national register of legal interpreters and translators that would require candidates to meet certain quality and integrity conditions (no criminal record, availability, proof of professional qualities and legal knowledge, acceptance of the

code of ethics). Individuals admitted to the registers would receive an identity number and a legitimation card. Suspension (temporarily / definitive) is possible in the case of insufficient professional performance and/or violation of the dignity of the function. The proposal also stipulates that qualified professionals from the register must be used and waivers would only be allowed under specific and demonstrable circumstances. There is still a long way to go for implementation: the approval and the publication of the law, and the redaction of the Decree(s) implementing the Law (period of 2 years). However, this is a substantial step towards quality assurance.

BULGARIA

The only official language of Bulgaria is Bulgarian, with the two most frequently used minority languages being Turkish and Romani. There are small enclaves of speakers of Albanian and Aromanian. Information about the current situation as regards interpreters in the legal field is scarce and has been hard to find. There are university degree programs in translation and languages, and having a degree in one of these fields is required to be included on the lists of qualified interpreters. Interpreters working in the courts are considered expert witnesses. Institutions of higher education are responsible for training and therefore qualifying specialists in this field. No national or regional exam or certification procedures exist, and there is no national register.

CROATIA³

Croatian is the national language of Croatia but there are 15 living languages spoken. Bulgarian, Macedonian, Polish, Romanian, Russian, German and Tosk Albanian are among these. The figure of the certified or sworn court interpreter does exist in Croatia, but is bundled together with that of sworn translator. An exam is offered through the Commercial or County Courts. It includes sections on knowledge of the legal and administrative systems, which is waived for anyone who holds a degree in law. As regards language proficiency, candidates must prove their knowledge of the foreign language at the C2 level or above. Applicants with a degree in foreign languages have to pass the exam on institutions. Certification is valid for four years and must be renewed by submitting a record

³ In spite of several attempts, information on the current situation in Croatia could not be obtained from a direct contact. Therefore, this brief summation is based on research and the information provided in the article published by Jim Hlavac of Monash University in *Translation and Interpreting*.³ (See http://isg.urv.es/publicity/isg/projects/2011_DGT/factsheets/CROATIA.pdf).

of the work done in the field during the period of certification. There are also several professional T&I organizations, several of which are authorized to train interpreters for the courts. It is interesting to note that since 2007, five associations have existed that are specifically concerned with interpreting for the courts: The Society of Court Interpreters and Translators, the Professional Association of Permanent Court Interpreters, the Croatian Association of Professional Court Interpreters, the Association of Permanent Court Interpreters, and the Tempus Court Interpreters Association. According to Jim Hlavac, training in T&I is available as part of university degree programs in foreign languages. However, the field is relatively unregulated and individuals without degrees or experience are often contracted as free-lance interpreters.

CYPRUS

Cyprus has two official languages -- Greek and Turkish -- which are spoken in different and well-delineated areas. Cyprus is not a bilingual country as the result of the co-official status of these languages. English, although not a co-official language, enjoys high status, and there are a number of immigrant communities. Some of the languages spoken are Tagalog, Arabic, Swahili, Urdu, Russian, Romanian, Bulgarian and more recently, Chinese. As regards interpretation in legal spheres, there are no national certification procedures and there is no national register of qualified practitioners. Each Court Registrar keeps a semi-official list of interpreters which are used by judges to select interpreters. For lesser-spoken languages, the list includes people who know English well and interpret from English into their mother tongue, which is the foreign language for which interpretation is needed. An interpreter of English from the list is then brought in to interpret from Greek or Turkish into English. Inclusion on the list is usually up to the Registrar, who decides on quality issues and inclusion criteria. Most people on the list have no specific training; some are conference interpreters. Attorneys may hire an interpreter who is not on the list, but the judge must give approval. There is no certification exam at the national or local levels and no accreditation procedures in place at any level.

THE CZECH REPUBLIC

Czech is the only official language of the Czech Republic. However, there is official recognition of the rights of language minorities in this country. The Czech Charter of Fundamental Rights and Basic Freedoms (Article 37, paragraph 4) guarantees that anyone who does not speak Czech has the right to an interpreter in a court of law. Furthermore, the Czech Constitution guarantees all national and ethnic minorities the right to their own language. This attention to linguistic rights can

also be seen in the approach taken and achievements obtained as regards legal translating and interpreting. First of all, there is a law that dates to 1967 that mandates that judges use “appointed” interpreters. Interpreters are “appointed” by regional courts and work in the area in which they reside. Courts appoint interpreters according to their specific language needs. Applicants must have university level degrees in T&I, languages or other related fields. They must also show language competence, which can be done by taking the Special Language Test for Interpreting, which tests knowledge at the C2 level. The Special Language Test has two versions, one for translators and one for interpreters. For interpreters, the test covers language proficiency, general consecutive interpreting skills, and cultural knowledge. Graduates of interpreting programs are exempt from this exam, but all other applicants, including philology graduates, must take it. Applicants are also required to show knowledge of the law through a university level degree or the completion of a special training program for translators and interpreters. This course runs for 28 weeks and consists of 84 lessons on the legal system and 84 language-specific lessons with a comprehensive exam given upon completion. Currently courses are available for speakers of English, French, German and Russian. All others take only the Czech portion of the course. Finally, candidates must show 5 years of general interpreting experience (i.e., by presenting tax returns with income from interpreting services), have a clean criminal record, and be citizens of the EU or the EEA. The testing cycle and appointments are done twice a year and the course is offered once a year. Certification or “appointment” is permanent and is only revoked at the interpreter’s request or if the interpreter is involved in criminal proceedings. There is good collaboration between judicial officials, academic institutions and professional associations, and detailed information about the accreditation process is available on several websites (Chamber of Appointed Interpreters, law faculties, language schools, etc.).

DENMARK

Danish is the official language of Denmark. A statutory order issued by the Ministry of Justice sets out the conditions for the “Registry” of qualified translators and interpreters, but few interpreters are aware of its existence or contents. The Commissioner for the Danish National Police keeps the register, and courts and police consult it when an interpreter is needed. The main languages needed by the Ministry of Justice for legal interpreting include Arabic, Somali, Urdu, Pashto, Farsi, Turkish, Romanian, Russian and English (mainly as a second or third language). There are two ways to be included on the register. The first is by meeting certain educational requirements. Holders of a Masters degree in translation and interpretation are automatically included. They are known as State-Authorized Translators and Interpreters. Holders of a Masters degree or a

first level university degree in Philology are also admitted, although their training in T&I is basically limited to literary translation. They are not considered “State-Authorized” but they can be called upon to work for the legal system. The second way to be listed is for a native speaker of another language to go to the local police station and prove competence in spoken Danish and familiarity with Danish society and the Danish legal system. Similarly, a Danish citizen who has lived and worked in another country and achieved a high degree of competence in another language can also apply for inclusion. At the present time (Summer 2013), only about 150 of the 3000 people on the register have a degree in T&I. This can be partly attributed to the fact that only one university in Denmark, Aarhus, currently offers a degree in T&I. There is a small group of interpreters on the register who are certified interpreters. These have completed a 2-year Open University programme in community interpreting which ran from about 1996 to 2002. The languages offered were Arabic, Farsi, Serbo-Croatian, and Turkish. Holders of a certificate are automatically included on the register. However, only about 48 interpreters completed the programme, and perhaps only half of them still work as interpreters. Six other universities offer language programs with include some training in literary translation, but no training in interpretation. It is interesting to note that the languages taught at university are English, German, Spanish, French, Arabic, and Chinese. These languages do not coincide with the languages needed by the courts. There is no formal accreditation procedure or national exam. No experience is needed to be on the register, but pertinent experience is noted and taken into account. Being included is free of charge and permanent, although there are circumstances in which an interpreter can be removed. In some cases it is possible to reapply and gain reinstatement. There are two associations for State-Authorized Translators and Interpreters and a small professional association for translators and interpreters who are not state-authorized. None of these associations has any formal authority and their role is simply consultative.

ESTONIA

Estonian is the only official language in Estonia. Interpreting in legal settings mainly takes place between Estonian and Russian. There are staff interpreters for Russian at many levels of the judicial system whose duties include interpreting and translating. When interpreters are needed for other languages, they are always *ad hoc* as there is no official certification or qualification in place. The Ministry of Justice does certify sworn translators (*vandetõlk*) who are empowered to certify the correctness of translations of documents, but does not include interpreting. There are Masters degree programs at Tartu and Tallinn Universities in Translating and Interpreting that include some techniques for interpreting legal interviews and court hearings, although the programs

themselves are not specifically geared toward legal interpreting. This level of training is not required to work as an interpreter in the courts, either as staff or freelance. In the most recent call for interpreters, the educational requirement was a high school education, although most staff interpreters do hold university degrees. Estonian courts do sometimes provide short specialized courses for interpreters in response to requests by staff interpreters for further training in some aspect of their profession. There is no national certification plan or register of qualified interpreters. When the Court needs an interpreter, the candidates undergo an interview with one of the senior interpreters and must perform an “apprentice” task, which usually entails carrying out an initial interpretation that is then evaluated by the staff interpreters. Once hired, an interpreter starts out doing translations and then moves into interpreting. An interesting feature of the Estonian situation is the case of sign language interpreters. These professionals do have a “union” which has been in existence since 1991. There is a system for accrediting sign language interpreters that has been approved by the Estonian Qualifications Authority and is based on certification tests that include translation, interpretation and a reflection task. There are 5 levels of certification, which the highest requiring candidates to carry out a written analysis of their own interpreting. Information about the tests, their form and content, the cost (currently 40€) and the application procedure is all readily available on line.

FINLAND

Finland recognizes two co-official languages: Finnish and Swedish. Sami is spoken in northern Finland and Russian and Estonian and the two most widely spoken foreign languages. At the present time (Summer 2013), a commission made up of representatives of the Finnish Ministries of Justice and Education is working diligently to meet the requirements of Directive 2010/64/EU. Legislation is being presented that will modify existing laws and decrees to bring them in line with the Directive, and work is being done on a proposal to create a register and to establish a regulated training program for judicial interpreters. Training and certification will cover language proficiency, command of legal language and knowledge of the legal system, although the final format of the certification instrument is not yet clear.

FRANCE

France has only one official language, French, but German, Flemish, Italian, Basque, Catalan and Occitan dialects are spoken in different parts of the country. Arabic is the largest minority language. In France, the right to an interpreter throughout a legal process, from arrest and police interrogation to judicial

proceedings, is well established. The French Code of Criminal Procedure assigns the judge in a case the responsibility for ensuring that the quality of the interpreting services rendered is sufficient to allow defendants to understand the charges being brought against them and to assist in their own defence. A defendant may bring a claim if interpreting services are not provided or if they are of inferior quality. There is no certification or testing, but registers of court interpreters and sworn translators (called expert translators and expert interpreters) are kept by Courts of Appeal and by the Court of Cassation (in pursuance of Act No. 2004_130 and Decree No. 2004_1463). The definition of an expert translator or interpreter is the same as for any other judicial expert, namely “any corporate entity or individual offering good guarantees in terms of probity, moral standards, etc., who has or has had for a ‘sufficient period of time’ an activity related to his specialty, under conditions that have given him sufficient expertise.” Court experts are designated for an initial period of two years and then for renewable five-year periods. Individuals can be removed from the register for lack of activity, lack of continuing professional development (required by law since 2004), misconduct, or lack of competence. The registers are broadly recognized and accepted by stakeholders, but they are not always sufficient to meet the needs of courts and police forces. Therefore, judges are free to use anyone if they cannot find a qualified LIT who is available.

GERMANY

German is the official language of Germany, with more than 95% of the population speaking Standard German. There are also four recognized minority languages: Sorbian, Romani, Danish and North Frisian. None of these is spoken as a first language by more than 1% of the population. There are several moderately sized language communities in Germany including the Turkish, Kurdish, Russian, Arabic, Greek and Dutch, among others. Legal interpreters are appointed by independent judges, although no specific regulations requiring judicial authorities to use specifically qualified individuals seem to exist. However, judicial authorities from all 16 states have come together to create a database of officially authorized, appointed and sworn translators and interpreters. Certification for court interpreting is governed by the laws of the individual federal states and is therefore subject to state-specific requirements. Thus procedures and specific qualifications vary. All states require individuals who want to work in the courts to pass a translating exam or hold certification from another country that is recognized as having equivalent standards by a state-certified German authority. At times, this requirement is waived if no exam is offered for the language in question. In a few states, candidates are required to show a good knowledge of German legal terminology by providing proof of having completed specialization courses that are offered at several German

universities. There is no central certifying body given the situation just described. Universities, state-certified exam offices, and institutes offering specialization courses can all participate in the certification process. There is detailed information available on the internet on the requirements of the individual federal states. The link to find this information is <http://www.justiz-dolmetscher.de/>. The information is detailed and is provided in German, English, French, Spanish, and Italian

GREECE

In addition to the official language, Greek, there are sizeable communities of speakers of Albanian, Turkish, Bulgarian, Russian and Romanian, although their distribution varies across Greece; Athens is the city with the most linguistic diversity. In recent years in urban centres there has been a significant influx of immigrants from Afghanistan and Pakistan. As a result, there has been a dramatic increase in the demand for court interpreters in Pashto and Urdu. The presence of an interpreter is a legal requirement at all stages of criminal proceedings, from police interviews to court hearings. The Greek Code of Criminal Procedure (article 233 (1)) states that when a defendant or witness does not know the Greek language satisfactorily, an interpreter is appointed. The interpreter swears to “translate with exactness and faithfulness everything that is said” (article 236). In practice, English is used as a *lingua franca* when interpreters of certain languages cannot be found. While there is some regulation of translation in the legal field, there is nothing specific as regards interpretation. There is no national association of translators and interpreters, no certification for legal interpreters, and no central register. However, individual courts do keep lists of interpreters who live and work within the boundaries of the court’s jurisdiction. The list is compiled by the local Public Prosecutor and made available to the Court and police authorities. In spite of this, judicial and police officials are not required to select interpreters from this list. To be included on the list, an application must be made in which a candidate declares his or her ability to speak a specific foreign language. No proof is required. No specific training is required. No experience is required. Inclusion on this list must be renewed each year. Remuneration for interpreting in criminal cases is covered by the State and is currently 17.60€ per session, although payment is often greatly delayed. Sometimes freelance interpreters hired by the defendant’s lawyers are brought in to monitor the court-appointed interpreter’s performance or to provide whispered interpreting for the defendant (with the judge’s authorization). The expenses related to these privately contracted services, and to interpreting in civil cases, are borne by the interested party, not by the State. Legal authorities and police officials are increasingly interested in improving the current situation and are collaborating actively with researchers to improve conditions. Two

specific projects are underway. The first (DIDI Project – Legal Interpreting in Greece) is aimed at mapping the provision of interpreting services in order to highlight shortcomings and increase policy makers' awareness of these issues. The project is investigating legal interpreting practices in the Prefectures of Thesprotia, Ioannina, Preveza and Corfu by interviewing foreigners (including prison inmates), police authorities and lawyers. Questionnaires in English, German, Albanian and Russian are being used. The data will help define the legal interpreter's profile in terms of linguistic/cultural knowledge, interpreting and translation skills, legal knowledge, psychological training, etc. The data collected will be presented to the Ministry of Justice, in order to enable state officials to take the necessary steps to improve the situation (i.e. improve working conditions and pay, create a national Register, and set up training courses). The second is a new project, Multilinglaw, which will provide training for lawyers on how to work with LITs. A training module is being developed that will be offered to attorneys free of charge.

HUNGARY

Hungarian is the official language of Hungary and is spoken as a first language by over 98% of the population. However, there are several other languages classified as "languages of recognized nationalities" by the 1993 Minorities Act including Croatian, German, Serbian, Slovak, and Slovene. Romanian, Romani, Polish, Ukrainian and a few other languages are also present in Hungary. Although the Hungarian judicial system has undergone significant changes in the last few years under the Orbán administration, the legislation on court interpreting, which dates back to 1986, has not been modified. According to this legislation, an interpreter must hold "an interpreting/translating ID" to work in the courts. These IDs can only be obtained from a few respected universities upon completion of a 2-year post-graduate study program. There is no undergraduate training for interpreters or translators in Hungary. The requirements for participation in the post-graduate program are having a Bachelors Degree (first level university degree) in any subject and successfully completing an intermediate language test and an advanced language test in two separate foreign languages. There is also a written and oral test that candidates must successfully pass.

IRELAND

Irish and English are the co-official languages of Ireland, where there has been a significant increase in immigration over the last 20 years. The largest immigrant language communities are Polish, Greek, Lithuanian, Latvian, Chinese, and Arabic.

While there is relatively good provision of interpreters in police stations and courts, most LIs are not trained or tested. When the provision of LI services was outsourced to a private-sector agency, the tender did not include specific quality criteria. Fees have been reduced, and priority is no longer given to those who are qualified (professional members of the Irish Translators and Interpreters Association, ITIA, or graduates of the Graduate Certificate in Community Interpreting Program). In Ireland, the ITIA has taken the lead in testing and certification at the professional level. Although ITIA membership is not a requirement for working in the legal field, the efforts being made show a strong commitment on the part of the profession to monitor and improve the performance of its members. As a professional association, the ITIA has established criteria for professional membership that include specific training and experience. If these criteria are met, applicants can then sit for the translation exam and if successful, they attend an oral interview. The interview does not include interpreting skills, but does explore the ethical issues related to the field. Interpreting exercises are not included because of the challenges of providing valid formats and ensuring adequate evaluation. All languages are treated equally, and no exceptions are made. Everyone who wants to belong to the association is tested. There has been little encouragement or support from legal authorities, but the ITIA hopes to promote a more universal system for the selection, training, certification and registration of qualified professionals. An integral part of this effort is working to ensure acceptable working conditions and continuing professional development opportunities.

ITALY

Italian is the only official language of Italy and is the language used in all civil and criminal proceedings. However, the Italian Constitution specifically safeguards linguistic minorities and recognizes French, Ladin, German and Slovenian as equivalent to Italian in some areas, thereby allowing for a situation in which these languages can be used in legal proceedings. Thus, in specific regions a trial may be carried out completely in Italian or in one of the aforementioned languages, or a bilingual approach may be taken; however, this option is guaranteed only to Italian citizens who are native speakers of a minority language and knowledge of the Italian language is assumed for all Italian nationals until proven otherwise. As further recognition of linguistic diversity in Italy, in 1999 a law was passed that protects 12 "historical linguistic minorities": Albanian, Catalan, Croatian, Franco-Provençal, Friulian, Greek, Occitan, and Sardinian in addition to the four languages mentioned above. These languages may be taught in schools and used in public acts (but not in legal proceedings) by local authorities in the areas in which they are spoken. Finally, there are many immigrant communities with the most numerous being from Romania, Morocco,

China, the Ukraine, the Philippines, Moldova and India, to mention a few. As regards translating and interpreting in criminal proceedings, although there are staff translators and interpreters who work for the Ministry of Justice, they do not work in the courts for reasons of incompatibility. Therefore, freelance interpreters are called to both translate written documents and interpret in oral proceedings. There is no national certification and no national register, but rather lists of local expert witnesses that judicial authorities use when an interpreter is needed (although individuals not on the list may be appointed if justification is provided). Individuals who want to be included on these lists must reside in the judicial district in question and pay a fee. Other than that, the specific requirements for inclusion vary greatly. For example, in order to work for the Rome criminal courts, applicants must provide a CV and proof of professional experience, hold a degree in languages or T&I, and have a basic knowledge of the Italian Criminal Procedure Code; other courts set less selective criteria. In many cases, minimum requirements are not applied to interpreters of languages of lesser diffusion, and native speakers of a foreign language are not usually tested for knowledge of Italian. Fees for court-appointed expert witnesses, including interpreters, are set by law and have not been updated for many years. They are based on time spent in court: the first two-hour period (*vacazione*) is currently paid at 14.68€ with subsequent two-hour periods being paid 8.15€. Low remuneration contributes to the reluctance of professionals to work for the courts. As regards police interpreting, the Ministry of the Interior has approximately 250 staff language experts who are charged with both legal translations and police interpreting. These experts currently cover 11 languages (Albanian, Arabic, Chinese, French, English, Portuguese, Russian, Slovenian, Spanish, German and Turkish). When an interpreter for a different language is needed, freelance professionals are called from the same lists held by courts or from separate police lists. *AITI – Associazione Italiana Traduttori e Interpreti* (Italian Association of Translators and Interpreters) is the largest professional association and has a dedicated Legal Interpreters and Translators Committee. Since its inception in 1950, AITI has worked towards a better recognition of the T&I profession and one example is a recent initiative aimed at developing a technical standard for translators and interpreters, in collaboration with UNI (Italian Standards Organisation), with key professional organisations and universities. The standard identifies 8 professional profiles (conference interpreters, legal/public service/business interpreters, technical translators, legal translators, localizers and film dialogue writers) and provides guidance to end users of their services. The translators and interpreters who work for the Ministry of the Interior have their own professional association (*ANTIMI Associazione Nazionale Traduttori Interpreti Ministero dell’Interno*) and through this organization, they work to protect their professional interests and obtain better recognition for the profession. They also organize CPD courses for members and work in collaboration with universities. There is also a relatively

new professional association for legal interpreters and translators called the AssITIG or *Associazione Italiana Traduttori e Interpreti Giudiziari* that is working to promote the professionalization of legal interpreting and translating. The association organizes training seminars and collaborates with universities on training and research projects. There are academics, researchers and professionals actively working to promote a better understanding of the field and to improve conditions throughout the country.

LATVIA

The official language in Latvia is Latvian, but Latgalian and Livonian are also considered “indigenous” or heritage languages. More than one third of the population of Latvia speaks Russian as a first language, and other significant minority foreign languages include Belarusian, Ukrainian, Lithuanian, Polish and Romani. There is no national certification in Latvia for legal interpreters. Job announcements published by courts do not include any specific qualifications. As regards police interpreting, the State Police has procurement contracts with language agencies and rely on their quality standards. There is awareness of the need for improvement as evidenced by the two-year project currently underway that brings together the Latvian State Language Centre, the Ministry of Justice, the Court Administration and the Latvian Judicial Training Centre. The goals of the project are to provide access to modern translation software to court interpreters and translators, to improve the quality of court interpreting and translating by providing a systematic approach to continuing education, to enhance cooperation between judges and interpreters, to promote speedy and effective integration of new court interpreters into the court system, and to gain European level experience and understanding of best practice in order to draw valid conclusions and make useful recommendations as regards the creation of a register of qualified professionals.

LITHUANIA

It has been quite difficult to gather information about the current situation in Lithuania. There is a new post-graduate program (2011) in Translation offered through the University of Vilnius that offers training for translators to work between Lithuanian and English, German, French, Italian or Russian. However, the only reference to specialized training is in the statement of program outcomes, which includes “the ability to apply theoretical and practical knowledge while performing translation tasks in private and/or public sector enterprises, organizations and institutions.” The program does not include any mention of interpreting. No information has been found that would indicate that

there is any specific training or testing of interpreters in the legal sphere, nor does there appear to be any type of register that courts or the police could call upon when the services of an interpreter are required.

LUXEMBOURG

The co-official languages of Luxembourg are Luxembourgish (*Lëtzebuergesch*), German and French. Luxembourgish was declared the national language in 1984, but all three are recognized as administrative languages. French continues to be the language of legislation and the main language used in court. The Ministry of Justice in Luxembourg has kept a list of legal translators and interpreters since 1972. To be included on the list, an applicant must present a letter that includes information on his/her languages and areas of specialization, a complete CV, a certificate of a clear criminal record, and a declaration of qualifications. The Ministry evaluates the documentation submitted by the applicant and approves or denies inclusion on the list. Interpreters must swear an oath twice a year and are under the supervision of the state attorney general. The Ministry may exclude someone from the list for failing to maintain ethical standards or for other serious reasons. There is no certification procedure in place at the present time.

MALTA

Maltese is the national language of Malta, but English shares co-official status. The country is considered to be bilingual, and both languages are commonly used. English is used for special purposes, such as for government, education, legal matters, politics, industry, commerce and so on. Italian is also spoken and understood in the Courts, and other European languages are being taught in schools. There is university level training in translating and interpreting but with a focus on conference interpreting rather than public service. There are no national certification procedures in place for qualifying LITs, although there is a longstanding register that is kept by the Criminal Court Registrar that was made official in 2012. The police have their own register, and courts often use the interpreters contracted by the police to provide continuity in a legal case. Furthermore, judges are not required to use interpreters from the Court list and can appoint anyone they find acceptable. Interpreters appointed by judges are then put on the list maintained by the Court Registrar. There are no specific qualifications for being included on the list, but there has been a tendency recently to include conference interpreters trained at the University of Malta. Interpreters are often recommended by embassies as well, and attorneys who are proficient in another language are sometimes pressed into service. When no one with specific knowledge, experience or training is found, anyone with knowledge

of the language in question can be called. Performance is monitored, and interpreters perceived to perform inadequately are not recalled by the courts. There are active proponents for change working to improve the situation who advocate more collaboration between the Ministry of Justice, the Faculty of Law and the Department of Translating and Interpreting at the University of Malta to provide specific training courses and testing.

THE NETHERLANDS

Dutch is the national language of The Netherlands, with Frisian sharing co-official status in Friesland. Dialects of Dutch Low Saxon and Limburgish are also prevalent in different regions, with close to two million speakers overall. Other regional variants exist. The Dutch respect and promote multilingualism, with almost everyone speaking at least one other language well, and many speaking several. There are also many linguistic minority communities with a fair number of speakers. Training and assessments for LITs is well developed, with exam preparation courses available for 20 languages through the SIGV, which collaborates with academic institutions, the judiciary, and professionals. Candidates are screened before starting the preparation program and are discouraged, although not prohibited, from participating if they do not have the requisite level of language skills or basic knowledge. Candidates who enrol without meeting the minimum language proficiency levels are only allowed to take the theoretical part of the course. The program of study is offered once a year, in a central location, and only when there is a minimum enrolment for a specific language. The 8-month course includes a significant amount of self-study plus 3 hours of class attendance per week. Upon completion of the study program, candidates must pass all of the written theoretical exams before being allowed to take the practical exams. The written exam includes exercises to measure language proficiency, knowledge of the legal system, cultural competency and professional ethics. Interpreting skills are evaluated in the practical part of the exam through simulated courtroom interaction. Requirements are similar for all languages. The practical portion is rated by at least two examiners, under the supervision of an examination committee. The assessment scheme was developed by a committee of experts from universities and expert testing centres as well as professional interpreters and translators. The costs involved in participating in the specialists course and taking the required exams are currently 3,400€ for the interpreting option and 2,300€ for translating. As regards the existence of a register of qualified translators and interpreters, there exists in The Netherlands a register which lists people who have a diploma or bachelor level (or higher) degree in translating and interpreting. When there is no bachelor level degree available, admission is possible via a certified assessment, a specific combination of language skills,

translating or interpreting education and extended working experience or a portfolio assessment by a committee of experts. An additional registration that reflects specialization in legal interpreting or translating can be obtained by meeting specific criteria. Participating in the special course described above prepares candidates and allows them to register as specialists. Registration must be renewed every 5 years at which time evidence of actual work experience and continuing professional development must be provided. Certification or inclusion in the registry can be revoked based on complaints related to performance or integrity. All complaints are reviewed by an independent committee. Finally, in criminal and asylum law procedures, police, public defenders, courts, immigration services and military police are obliged to use sworn translators or interpreters. However, the use of specialized LITs as described above is not compulsory, although it is strongly advised. Many government bodies also use registration as a quality standard for service providers. Since the register is publicly accessible, other commissioners, companies, and even individuals can use the available data to search and hire a sworn translator or interpreter.

POLAND

The official language of Poland is Polish, spoken by some 94% of the population. Between 0,5 and 1% of the population speak each of the following languages: Silesian, Belarusian, German, Ukrainian and Kashubian. All other languages together reflect the language usage of approximately 7.2% of the total population. There is a strong legislative foundation for legal translating and interpreting in Poland based on the Act of 25 November 2004 on the Profession of Sworn Translator. This act establishes the procedures for certifying sworn translators and interpreters (both activities are covered in a single denomination: sworn translator). Although there is no specific mandatory legislative act imposing a direct obligation upon the judicial system or police to use the services of sworn translators, only translations done by certified professionals have official status and therefore courts, prosecution offices, the police, and government offices apply the principle of prudence and employ sworn translators whenever possible. Only when a sworn translator/interpreter is not available in a given language do officials employ individuals with recognized language skills. These *ad hoc* interpreters must take an oath in court. The Ministry of Justice is responsible for certifying qualified professionals and keeping a register or list of those who have met the requirements and passed the exam. The requirements for being a sworn translator include meeting certain citizenship stipulations, knowing the Polish language, having full capacity according to the law, meeting clean legal records requirements, holding a degree at the Masters level or equivalent (although an effort is currently underway to reduce this requirement to a first level university degree), and passing the certification exam. The exam

itself consists of a 4-hour written translation exam and a performance-based oral exam. The written exam entails the translation of two texts from Polish into the other language and two from the foreign language into Polish. One of each pair of documents must be a court letter, official document, or legal text. The oral portion includes two exercises of consecutive or dialogic interpreting and two sight translations (one from and one into Polish). Performances on the oral portion of the exam are rated for conformity of the content of the rendered version with that of the original utterance, correct use of terminology and phraseology, correct grammar and lexis (non-legal), correct use of register, and general fluency. A candidate must receive an overall score of 75% to pass the exam. The exam currently costs approximately 200 euros and certification is considered permanent once achieved. There is no limit on the number of times a candidate may sit for the exam, but only one exam is allowed per candidate per year. The State Examination Board, appointed in accordance with the 2004 Act, is responsible for developing and administering the certification procedure. This board is made up of 11 members including four academics, three sworn translators who are members of associations of translators and identified by them, three members appointed by the Minister of Justice, one member appointed by the Minister of Labour. Members serve for four years and can be recalled. Examiners of candidates in a specific language may include both members of the Board and outside consultants who meet the requirements set for Board members. There is a high degree of transparency regarding the certification procedures with many stakeholders involved, including TEPIS, the Polish Society of Sworn and Specialised Translators and Interpreters. Disciplinary procedures are contemplated in the 2004 Act for monitoring of the profession and complaints can be made to the Professional Accountability Board at the Ministry of Justice. According to the Act, individuals can be removed from the register for refusal to translate and/or interpret in proceedings conducted under statutory law, at the request of a court, public prosecutor, the police or public administration authorities unless there are particularly valid reasons justifying such refusal, and for failure to perform the tasks of a sworn translator with diligence and impartiality, failure to maintain confidentiality as to facts and circumstances, failure to improve professional qualifications or failure to keep a list of translations done and make relevant annotations on translations whether they were prepared from an original, translation or copy.

PORTUGAL

Portuguese is the official language of Portugal. The most commonly spoken foreign language is English, followed by French, German, Spanish, Italian and Chinese. The approach to legal translating and interpreting is quite relaxed, with no certification

required. Professional translators and interpreters coexist alongside non-professionals and amateurs, with predictable results as regards quality. In Portugal, virtually anyone is able to do a translation. Upon completion, the translation is submitted to a notary who certifies the translator's signature on his/her sworn statement that the translation is a faithful rendition of the original. This is, in essence, a notarised self-certification of sorts. It should also be noted that lawyers, civil registry officials and chambers of commerce are also empowered by law to "certify" and "make and certify" translations. No process is in place for checking qualifications, language skills or any other type of knowledge related to the domains of legal translating and interpreting. Courts, notaries, law offices, legal entities, chambers of commerce, embassies and consulates often have their own "tailored" registers, which are unofficial and designed to respond to specific needs. These registers are usually built upon informal connections and relationships, friendship, or professional interest on a non-formal basis. Nevertheless, there is a fee schedule for LITs in the *código das custas judiciais* (code of judicial costs) established by the Ministry of Justice. Interpreters (and translators) sometimes charge their own rates, based on market value, but the Courts can refuse to accept them⁴. The result is that professional interpreters refuse to work for the courts due to the low compensation rate, and unqualified individuals take over. There is a fuzzy distinction between the role of translators and interpreters and other key players involved. There is very little, if any, collaboration between stakeholders and no professional regulation. An appropriate code of ethics and professional practice and an adequate certification system need to be developed and working conditions improved in order to guarantee the quality of interpreting services.

ROMANIA

In Romania, Romanian is the official language with Hungarian and Roma being the most important minority languages. German, Italian, French, and Spanish also form part of the linguistic panorama. There is a database of translators and interpreters that is maintained by the Romanian Ministry of Justice. The list currently includes some 33,000 members. No distinction is made between translators and interpreters, and the requirements to be in the database are to hold a degree in languages or to pass a test set by the Ministry of Culture. No experience is required. The Ministry of Culture exam tests only translation. The 2-hour exam requires candidates to translate to and from Romanian. The exam texts reflect a large number of specialized fields, including legal, but passing the legal domain test is not mandatory for court work. Automatic "certification" is granted upon presenting the required documents and paying a fee. Certification

⁴ At least one case has gone to appeal. A Public Prosecutor appealed a ruling made by a court of first instance approving a higher rate of pay for a translation. The appellate court struck down the ruling.

can be revoked when there is a criminal conviction, for lack of professional skills, and for consistent and unmotivated refusal to provide the services required.

SLOVAKIA

In Slovakia, Slovak is the official language. However, minority languages are considered co-official in areas where a linguistic minority reaches 20% of the local population. This concerns mostly Hungarian, Czech, Ukrainian and Polish. Russian, German and English are other languages spoken in Slovakia. As regards legal interpreters and translators, the Ministry of Justice has a national database of qualified professionals, which, interestingly enough, includes more interpreters than translators. Anyone working within the purview of the Ministry of Justice is required to use an interpreter from this database, and those under the auspices of the Ministry of the Interior (police) are encouraged, but not required, to do so. In reality, interpreters appointed by the police on an *ad hoc* basis are often retained for the court proceedings to preserve continuity and minimize the number of individuals involved in a specific case. In order to be certified and eligible to be in the database, individuals must pass a certification exam administered by accredited institutes within universities. There are currently 4 institutions that offer certification exams. Members of regional registers, which predated the national register, are required to transfer to the national register and sit for the new certification exam within a specified period of time. The criteria for inclusion in the national database are successful completion of a “professional minimums” course, proof of language proficiency, and successful completion of an interpreting exam. For certification, a university degree, clean criminal record, legal capacity and 5 years of professional experience are required. Proof of language proficiency can be a university degree in languages or the equivalent, evaluated on a case-by-case basis by the Ministry of Justice. The interpreting exams are designed and administered by each of the accredited institutions, which must organize a test for any language when a request is made (a schedule of exams for major languages is published on the Ministry of Justice website). The interpreting exam usually consists of consecutive interpreting and sight translation exercises as well as sections on knowledge of the legal system, and professional standards and regulations (ethics and good practice). Grading is holistic and a score of 8 out of 10 points is required. There are no pre-established criteria for evaluating a performance, with final decisions left up to each institution and even to individual examiners. Exams are not recorded, but feedback is given at the time of the exam. Those who do not pass have to wait 3 years before making another attempt. The Ministry has the right to retest individuals every 5 years, but so far this has not been done. The cost for taking the exam is currently around 200€. Finally, candidates must provide evidence of 5 years of professional experience and a clean criminal

record. Certification can be revoked for criminal activity, and an interpreter can request to be removed from the database. One final point of interest is that the law in Slovakia stipulates that legal interpreters from other EU member states will be recognized and registered as legal interpreters in Slovakia if they provide evidence of their status in their home countries, even if requirements for certification vary greatly from those in Slovakia.

SLOVENIA

Slovene is the language spoken by most of the population of Slovenia (2 million inhabitants). However, there are parts of the country in which Italian and Hungarian minorities reside, and there are also many people from the former Yugoslavia who speak Croatian, Serbian or Bosnian. In Yugoslavia a special exam was required to become a "court interpreter". In Slovenia there is a national certification centre, the *Center za izobraževanje v pravosodju* (CIP), which has tested and qualified LITs for many years. The exams administered have not changed in the last few decades and consist of a written translation in both directions and an oral exam on basic knowledge of the political structure and the criminal justice system. No interpreting exercise is included in the qualification exam. Examiners are LITs, linguists and professors from the Faculty of Law. The requirements are the same for all languages, but the exams are organized more frequently for the 'bigger' languages. Candidates for the exam must hold a university degree and Slovene nationality as well as a clean criminal record. Currently (Summer 2013), the cost of the exam is 270€. The written exam is offered every month in Ljubljana, with the oral exam offered seven days later. A candidate may take the exam three times and if not successful, must wait five years before trying again. Information about the exam is available on the CIP website. Prior to taking the exam, all candidates must complete a short seminar offered by the CIP (current cost 400€). The seminar is taught by LITs and professors of law. It provides an introduction but not full preparation for the exams. The Faculty of Arts at the University of Ljubljana, through its Department for Translation, offers courses in legal translation taught by linguists and lawyers together. These courses are part of the MA study programme "Translation", but due to the economic crisis in Slovenia, there is still no special MA programme in legal translation and interpreting, although plans have been made for such a program in a collaborative effort between the Faculty of Arts and the Faculty of Law of the University of Ljubljana. As regards a register, the Ministry of Justice maintains a list that dates back to the times of Yugoslavia and has not been revised since. The result is a list that includes individuals who are no longer working in the field (some are actually deceased). In spite of its flaws, the list is considered valuable and is used by stakeholders. New regulations require renewal of the status every five years. Those who wish to remain on the list must

provide evidence of continuing professional development in form of attendance at 5 seminars in 5 years. Many private language schools and associations are beginning to offer courses, some of which are highly professional (for example the courses organized by the Slovene Translators Association's LIT section in 2012 and 2013). The police and asylum authorities maintain their own lists which include interpreters whose work has been considered satisfactory, even though they hold no formal certification. Some are former asylum seekers.

SPAIN

Spain is a multi-lingual country with strong support for the preservation and promotion of historical languages. The Spanish Constitution of 1978 names Castilian as the official national language, and regional languages such as Basque, Catalan, Gallegan and Valencian as examples of co-official languages. Additionally, variants of *asturleonés* and *la lengua aragonesa*, while not co-official, enjoy broad recognition as traditional languages in certain regions of Spain. In addition to the autochthonous languages of Spain, there are several significant immigrant language communities and large numbers of tourists and foreign residents in the coastal regions and the islands including speakers of Arabic, Romanian, Bulgarian, Chinese and English, among others. As regards interpreting in the judicial arena, the wording of current legislation in Spain includes a loophole that allows judges to appoint anyone “with knowledge of the language” as an interpreter in judicial proceedings. While the spirit of the law clearly supports the use of “qualified” interpreters, the fact of the matter is that there is no airtight stipulation as regards the qualifications of interpreters. There is a qualification procedure by which individuals become “sworn” interpreters. Sworn interpreters are named by the Ministry of Foreign Affairs and have traditionally been charged with translating diplomatic, consular or administrative documents of and for the Ministry of Foreign Affairs. This certification, which dates back to the 19th century, was never conceptualized as qualifying individuals to work in court or police venues, and the wording of the law in the latest modification dated 2009 has not altered the description of the scope of practice of these interpreters. The qualifying exam to be named a sworn interpreter consists of written translations and a general oral interview. Interpreting skills are not evaluated in any way. Passing the exam allows individuals, on a strictly freelance basis, to translate, stamp and seal documents so that they can produce legal effects within Spain. Oral interpretation is also contemplated, but not outlined in any specific way, and legal professionals (judges or police) are not required by law to use sworn interpreters in oral proceedings. In addition to the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of the Interior both have selection procedures for staff translators and interpreters, but once again, neither process involves

measuring interpreting skills. Finally, some regional governments have created certification procedures that are valid in their jurisdictions for language combinations that include the regional language and other languages including Spanish. This is the case in Galicia, Catalonia and the Basque Country. While there is a mixed approach in Spain, with both the Ministry of Justice and some autonomous communities (regional governments) establishing protocols for the provision of court interpreters, the trend is towards sub-contracting with private agencies and reducing the number of in-house or staff interpreters. Most tenders do not include any specific stipulations for quality assurance or performance monitoring. As regards a register, the only national list is the sworn interpreter register, managed by the Ministry of Foreign Affairs.

SWEDEN

Swedish is the official (majority) language in Sweden. Since 2000, Sami, Finnish, Tornedal Finnish, Yiddish and Romani occupy a distinctive position in Sweden as indigenous regional and minority languages, spoken in Sweden for over a hundred years. Swedish sign language is considered an official language. However, around 200 different languages are spoken by migrant groups; some of the largest linguistic communities speak Albanian, Arabic, Bosnian, Croatian, French, German, Greek, Italian, Kurdish, Farsi, Polish, Russian, Serbian, Somali, Spanish and Turkish. Despite a highly developed system for certifying qualified interpreters and specific measures taken in recent years, it is still difficult to find authorized interpreters in certain languages, especially outside of the major urban areas. Authorization of interpreters was introduced in 1976 and is a protected professional title. Authorized interpreters are tested by a governmental agency, the *Kammarkollegiet*. Authorization is valid for five years and can be renewed. Accreditation is currently available in 40 languages, including sign language. The accreditation exams are developed by the *Kammarkollegiet* in collaboration with testing experts, educators, and representatives of the interpreters' union. The exam has a written exercise that candidates must pass in order to take the oral part of the test. It is a 5-hour exam that includes a test of general background knowledge and a Swedish proficiency exercise in the form of a cloze test, testing grammar, vocabulary, idiomatic phrases, knowledge of word order, tense, temporal expressions and so forth. There is also a specific terminology exercise in which candidates must translate 100 specialist items into Swedish and 60 specialist terms from Swedish. The terms are taken from areas such as migration, social issues, the labour market, medical care, general social insurance and every day law. No dictionaries are allowed. The oral portion of the assessment lasts for 2 hours, and includes active interpreting. Three or four live role-plays are carried out, using native speakers of both languages. The expert in the non-Swedish language rates the candidate's proficiency in the non-Swedish

language, and the test administrator evaluates Swedish language proficiency. Interpreting techniques and professional ethics are also evaluated. While marking is holistic, several categories of performance are evaluated individually including transfer of information, correct use of terminology, articulation, prosody, linguistic proficiency and fluency. Interpretation techniques that are tested include checking possible mishearing and interrupting in cases of mishearing and parallel talk. The general impression of the performance based on correctness, confidence and impartiality is also taken into account. Candidates receive a copy of their marked written exam with comments and immediate feedback on their oral exam performance. They also receive a copy of the role-play assessment protocol in order to see the criteria for a successful performance. Information and sample tests are available to candidates on line at www.kammarkollegiet.se. Candidates must be 18, be known to have personal integrity, and have a clean criminal record. There are no formal requirements regarding educational background or nationality. However, it is extremely difficult to pass the exams without some experience or training. Certification must be renewed every 5 years and can be revoked if the accrediting agency, after investigating complaints, deems it justified. Authorised interpreters can sit an additional exam to achieve the title of *authorized legal interpreter*. This test consists of written and oral components. The oral component is made up of two role-plays (on civil and criminal law). Since October 2013, this test has also included a site-translation exercise. As for a register, the *Kammarkollegiet* publishes an on-line directory of authorized interpreters, with a search function in Swedish and English. The register is broadly recognized and accepted by stakeholders. The *Kammarkollegiet* also hosts a searchable register of non-authorized interpreters who have completed certain types of interpreter education or training.

THE UNITED KINGDOM

The United Kingdom (UK) is a linguistically diverse country. In the 2011 National Census, over 20% of the population listed a language other than English as their first language and over 300,000 people living in the U.K. reported that they did not speak English at all. Up to 153 languages have been reported as in daily use in some urban areas. Interpreting provided by the state for non-or limited English speakers in judicial proceedings is referred to as 'Public Service Interpreting' (although this term is sometimes used interchangeably with 'Community Interpreting'). A system for certification of Public Service Interpreters (PSIs) via a qualifying exam (the Diploma in Public Service Interpreting or DPSI) and registration on a professional register of interpreters (the National Register of Public Service Interpreters or NRPSI) does exist. However, as there is no statutory protection of title for PSIs, there is no legal impediment to any person

trading as a PSI, whether qualified and/or registered or not. Furthermore, although a preference for one is usually expressed, Courts do not always require qualified PSIs exclusively to be used for court proceedings. Unqualified and/or unregistered interpreters are admitted to Court if a qualified and registered PSI cannot be located or if an unqualified/unregistered interpreter is supplied by an agency. In late 2011, the Ministry of Justice instituted a radical change in the arrangements for the supply of interpreters to judicial proceedings in the UK. Prior to this date, a guidance document on the use of interpreters in criminal justice proceedings, (the National Agreement on the Use of Interpreters in the Criminal Justice System) was used by Courts and Police forces in their procurement of interpreting services. This guidance recommended the use of NRPSI-registered PSIs whenever possible, or the use of individuals from nominated secondary lists, when necessary. In late 2011, the Ministry of Justice introduced a Framework Agreement for the supply of interpreters that installed a single commercial supplier (initially Applied Language Solutions, now Capita Translation and Interpreting) as the preferred source for all interpreters for criminal justice proceedings. This supplier is required to maintain a list of interpreters and to deal with all matters of qualification, suitability to practice, procurement, placement and remuneration⁵ Significant numbers of qualified and registered interpreters previously serving courts and police forces refuse to supply interpreting services under the new arrangements, and have not contracted with the commercial supplier. In the early months of the new arrangements this led to a near-catastrophic breakdown in the supply of interpreting services and there is a widely shared perception that the quality of interpreting in the Criminal Justice System has diminished since the implementation of the Framework Agreement. Although the introduction of the Framework Agreement was clearly intended to supersede the use of the NRPSI and to replace engagement of interpreters by individual courts and police stations on a case-by-case basis with a centralized system, the National Agreement and the NRPSI continue to exist. This has led to a situation where two sources of interpreters and two differing sets of criteria for the management of quality are operating in parallel: the Framework Agreement (with interpreters supplied via the single commercial supplier) and the National Agreement (with interpreters contacted via the NRPSI register). Despite the current volatility in the interpreting market place in the UK, the professional 'benchmark' DPSI exam, set by the IoL Educational Trust (IoLET), the associated charity of the Chartered

⁵ The Ministry of Justice's stated rationale for the introduction of this new arrangement was that there were "fundamental shortcomings, inconsistency and inefficiency" in the arrangements based on the National Agreement and that these left the Ministry and its agencies exposed to "unacceptable risks" (House of Commons Justice Select Committee report February 2013). Both the NRPSI and the interpreting profession dispute the validity of this claim.

Institute of Linguists, continues to attract significant numbers of candidates each year.⁶ This exam evaluates both dialogue and simultaneous interpreting skills, oral sight translations and written translation skills. A band score approach is used to score performances. The exam is divided into 5 units, and the cost for taking all five is between £580 and £730.⁷ There are also MA programs in interpreting and translation with a public service interpreting element available at a number of Higher Education institutions. As regards a professional register for PSIs, the NRPSI⁸ is the central register of suitably qualified and security-cleared public service interpreters, including LIT specialists. This professional register also serves as a non-statutory regulator of PSI in the UK. Full registration on the NRPSI is via a DPSI qualification or equivalent honours degree qualification with interpreting and translation component and 400 hours of accredited PSI experience. Annual re-registration is required, for which an annual fee of £198 is payable.⁹ Evidence of a minimum of 10 hours of accredited interpreting activity for the previous year must be produced for re-registration.

NORWAY:

A stepping stone system to license and mandate for the interpreter: The Norwegian Model

(Special thanks to Hanne Skaaden for providing this synopsis of the current situation in Norway.)

The need to control interpreter qualifications is obvious. However, to date, few countries have established proper license and mandate to ensure quality for the interpreter function (cf. Ozolins 2010, this report on the EU member states' solutions). The following paragraphs briefly describe the model developed in Norway in order to approach some of the challenges in establishing license and mandate for the interpreter function.

In brief, the Norwegian model is organized around an open access web-based National Register of Practicing Interpreters in the Public Sector, cf. www.tolkeportalen.no. The National Register was established in 2005 and includes five categories that represent paths into the register, rather than “levels” of qualification:

⁶ For the June, 2013, setting of the exam there were 785 candidates.

⁷ Fees correct at time of report, February 4, 2014. See www.iol.org.uk/examinations

⁸ See www.nrpsi.co.uk.

⁹ As of February 4, 2014.

1. Interpreters with university level training (minimum 30 ECTS) *and* the Norwegian Interpreter Certification Exam (NICE); approximately 20 languages covered as of 2013
2. Interpreters with the *Norwegian Interpreter Certification Exam* (NICE); 23 languages covered as of 2013
3. Interpreters with completed university level training (minimum 30 ECTS); 50+ languages covered as of 2013
4. Persons with a BA or a state authorization test in *written translation* and a three- day course on professional ethics; less than 20 languages covered
5. Persons who passed a limited bilingual lexical knowledge test and completed a three-day course on professional ethics; more than 60 languages covered as of 2013

The model's basic idea is for the register to serve as a "stepping stone" system in that practitioners, by completing training and tests, are inspired to advance in the system. Thus, they will enhance and document their qualifications. At the same time the register allows the authorities to put pressure on institutions in need of interpreting services to engage the more qualified interpreters (i.e., practitioners in categories 1 – 3 above).

Starting from the bottom of the above categories, the candidates allowed into recruitment category 5, must sit a limited bilingual lexical knowledge test and attend a three-day course on professional ethics. The aim of the written lexical knowledge test is to eliminate candidates who obviously lack a basic vocabulary in Norwegian and/or the other working language. The test has a pass rate of approximately 40% (cf. Skaaden, 2003).

Category 4 allows persons who have documented their bilingual knowledge through either an extensive test in written translation (Certified Translators by Norges Handelshøyskole, NHH) or have a BA in translation (e.g., from the University of Agder, UiA). The extensive written translation test and the BA courses on translation have existed in Norway for some time at NHH and UiA, respectively, but cover a limited number of languages. Although they have experience in written translation, these practitioners must sit the three-day course on interpreter ethics and basic techniques to enter the National Register.

Access into the register's category 3 is achieved upon the completion of a one-year university level web-based course on "Interpreting in the public sector" (30 ECTS) which has been offered at *Oslo and Akershus University College* (HIOA) since 2007. The part-time blended course aims at enhancing the students' bilingual sensitivity, situational knowledge and their understanding of professional ethics as well as their interpreting skills (cf. Skaaden & Wattne, 2009). To enter the course, students must pass an oral aptitude test that tests

their listening and speaking skills in both languages. The pass rate for the admittance test is approximately 40% on average (cf. Skaaden, 2013). The practical test upon completion of the course, evaluates the candidate's ability to apply his/her bilingual skills in the consecutive interpreting of a role-played institutional dialogue as well as interpreting skills such as turn-taking and coordinating strategies.

Practitioners registered in category 2 have passed a free-standing practical interpreting test, The Norwegian Interpreter Certification Exam (cf. Mortensen, 1998, 2012). This more extensive test includes the consecutive interpreting of two role-played dialogues and the consecutive interpreting of two monologues requiring note-taking. The pass rate of this test is 10% on average.

Category 1 is reserved for practitioners who have completed both the one-year course (category 3) and have passed the state certification exam (category 2) in the working language.

The Norwegian Model may seem «too modest» at first glance. However, in a pragmatic manner it meets some of the challenges modern society is up against when attempting to establish interpreting quality in a multitude of languages. In sum, a stepping stone system like the Norwegian one may be a path towards proper license and mandate for the interpreter profession in an increasing number of languages.

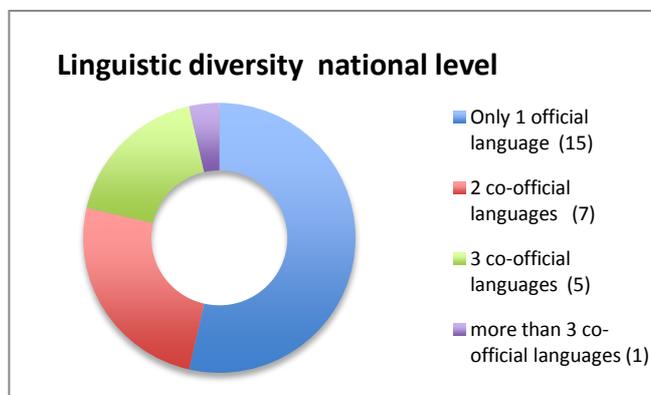
Overview and Analysis of EU Practices

The country profiles described above make it possible to identify patterns, common challenges and trends as regards LI training, certification and registers in the European Union. It also provides information about practices specific to only one or to a very few countries which are examples of practices to emulate or avoid. But most importantly, it shows how much variation exists in standards, the main issue involved in achieving the mutual trust needed for reciprocal recognition of LI services throughout the EU.

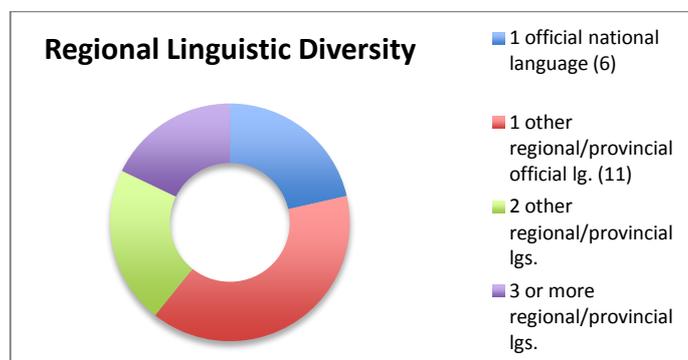
In this section, an overview of practices will be provided that shows the current state of affairs across the EU, rather than in specific countries. The issues of concern include linguistic diversity, the legal foundations that exist for the use of qualified LIs, the existence of a register or registers of qualified practitioners, the evaluation and certification of individuals included on the registers, the degree of collaboration between different stakeholders in the efforts to regulate the profession, the transparency of certification and registration procedures, and professional oversight and monitoring.

Linguistic Diversity:

Linguistic diversity is a reality in every EU Member State. Thirteen of the 28 countries have more than one official language, and six have three or more.



In addition to the official languages, many have traditional linguistic minorities that speak historic or heritage languages that are recognized and respected in some provinces or regions, although not given co-official status.



Finally, each country has a number of immigrant communities that have brought not only neighbouring European languages inside their borders, but also languages from many parts of the world. The EU lists some 60 indigenous regional or minority languages spoken by as many as 40 million people. The number of language communities in each country varies, but is quite high in several countries. For example, in the U.K., the Multilingual Manchester Project reported 153 languages spoken in the greater Manchester region, and the European Commission reports “in cities such as London, Paris, Brussels and Berlin, hundreds of languages are spoken.”¹⁰ This linguistic diversity enriches the fabric of European life but also provides challenges to authorities trying to

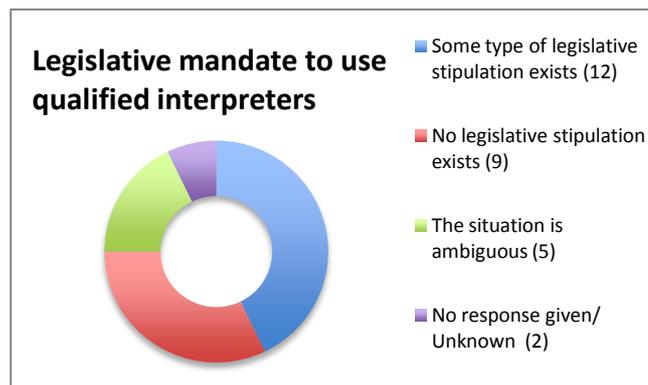
¹⁰ <http://ec.europa.eu/languages/languages-of-europe/>

provide adequate services. A better system for sharing the benefits of linguistic diversity is needed in the EU so that resources in one country can be effectively and efficiently marshalled for use in other countries.

Legal Foundations:

The legal mandates for the provision of interpreting services for language limited individuals involved in legal proceedings are widely known and accepted in the EU. From broad guarantees of basic rights such as those expressed in the Universal Declaration of Human Rights (1948) and the Charter of Fundamental Rights of the European Union (2000), to the specific right to the free assistance of an interpreter found in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), now known as the European Convention on Human Rights, and the International Covenant on Civil and Political Rights (1966), it is generally recognized that the services of an interpreter must be provided in criminal cases when a suspect or accused party cannot understand or speak the language used in court. Directive 2010/64/EU of the European Commission further develops these mandates by addressing issues of quality, training, and scope. The Directive stipulates interpreting during police interrogation, essential meetings between clients and attorneys, and at trial. It allows for remote interpretation via videoconferencing or telephonic interpreting in some instances. It also stipulates quality control through the creation of registers of qualified translators and interpreters. Finally, it highlights the importance of effective communication between all parties and thus recognizes the need for judges, attorneys and judicial staff to be trained in how to work with interpreters.

The transposition of this Directive into domestic legislation may involve legislative changes in some Member States in order to ensure that the objectives set out are achieved. In very few cases does current legislation address issues of quality, certification, and professionalization or stipulate the use of qualified professionals, and even in those that do, there is often a loophole in the legislation that allows for non-certified individuals to be used. Thus, one of the most important outcomes of the Directive may be to encourage each Member State to examine current practices as regards both the procurement of interpreting services and the certification of individuals as competent to provide these services. At the present time, in Belgium, the Czech Republic, Slovakia, Slovenia, and Sweden, for example, there is a legal requirement to use “sworn”, “appointed”, “registered” or “authorized” interpreters.



However, even with these legal mandates, challenges continue to exist. For example, the problem of providing competent interpreters at all times in all places is a general one, and qualified interpreters are often not available outside of large urban centres. In some countries, the trend has been to sub-contract the provision of interpreting services to a private-sector agency, often with no stipulation in the tender as regards quality or minimum qualifications for practitioners. The U.K., Spain and Ireland are examples. Legislative mandates that more clearly specify certification, quality, oversight, and dignified working conditions for LITs would provide the impetus for needed improvements.

Registers

In 2009, the European Legal Interpreters and Translators Association (EULITA) was founded in the hopes of bringing together professional associations and legal translators and interpreters from all over Europe that were “committed to the improvement of quality in legal interpreting and translation.” In 2010, the EU Working Party on E-Law established the European e-Justice Action Plan and developed a roadmap that contemplated the creation of an EU-wide database of qualified translators and interpreters. However, even as late as October 2012, this group concluded that it was premature to consider creating such a database given that many Member States did not have national or regional registers on which to draw. Nevertheless, Member States that did have a database or register were asked to provide information which could be forwarded to EULITA to continue working towards this goal.¹¹ Creating an EU-wide database with qualified interpreters in a range of language pairs would contribute greatly to improving the current situation. However, it is important to understand what a register is and consider why the EU specifically addresses the issue of creating registers in Directive 2010/64/EU.

¹¹ Report from the Working Party on e-Law (e-Justice to Coreper/Council). http://www.parlament-gv.at/PAKT/EU/XXIV/EU/09/88/EU-98896/imfname_10384198.pdf

In the broadest terms, the purpose of establishing registers of legal interpreters is to ensure defendants equal access to justice and a fair trial by providing qualified interpreting services when needed. Beyond that, a pan-European database would contribute to the enhancement of mutual trust and contribute to the legal certainty among Member States that the EU is seeking. However, without an adequate understanding of what “qualified” means, and without some measure of uniformity in the definition of a skilled interpreter, the guarantees that the existence of a register are meant to provide cannot exist. Preparing and maintaining a list of individuals who can be called when the need arises is relatively easy; making sure that the individuals on the list meet the standards required to ensure justice is served is a much more daunting task. The danger with the current situation in the EU is that many countries report having lists of interpreters that they characterize as registers, which have existed, in some cases, for many years. However, the requirements for being included on these lists do not meet any uniform standards of minimum competence. An analysis of the current situation in the EU shows the disparity that exists in the approaches used.

A bona fide national register with established criteria for membership, reasonable oversight capabilities, and broad social acceptance exists in only a few EU countries. Sweden, the U.K., and the Netherlands are perhaps the best examples. In these countries, a process has been established to train and test interpreters in a large number of languages. Continual re-evaluation of goals, methods, and results is built into the system and procedures and practices are adapted to evolving realities. Training courses exist which prepare individuals for professional practice and for passing the required certification exams. There is collaboration between stakeholders and representatives from academia, the judicial system and professional associations. The resulting list of qualified individuals constitutes a register that can be accessed by the legal services including police, the Ministry of Justice, attorneys, and other stakeholders. While not entirely free of problems, these countries provide the best examples of good practices that exist in the EU today and offer different approaches that can be used as models. This is why it is particularly distressing to witness the about-face that has taken place in the U.K., where recent legislative decisions have turned the clock back by adopting a sub-contracting approach which has brought about a noticeable reduction in the quality standards in legal interpreting as well as an exodus of trained, experienced and capable interpreters due to diminished compensation and unfavourable working conditions.

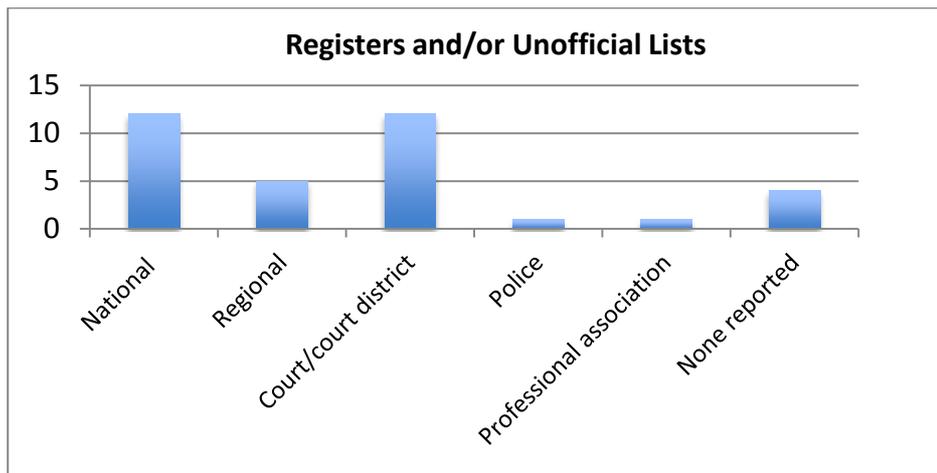
In other countries, responsibility for maintaining a register falls to governmental or public entities. For example, in the Czech Republic, Luxembourg, Slovenia, Slovakia and Romania, The Ministry of Justice is responsible for the national register of interpreters. In Spain, a register of “sworn” interpreters is available

from the Ministry of Foreign Affairs. In Denmark, the Danish National Police keeps a list of interpreters who also work in the courts. There is a significant amount of discrepancy, however, as regards both the purpose of maintaining these registers and the requirements for inclusion on them. In Romania, for example, the register includes some 33,000 names. This number itself raises a red flag as regards quality and competence. In Spain, the list of sworn interpreters reflects a process that was originally developed to provide translators for diplomatic or consular documents for the Ministry of Foreign Affairs, not for police and judicial purposes. In Denmark, anyone who holds an MA degree in translation and interpreting is automatically included on the list. Furthermore, anyone holding a first level degree or MA in language studies (philology) can also apply, even though their degree includes no specific training in interpreting whatsoever. They are considered competent for court interpreting by virtue of their perceived proficiency in languages. Regional registers also exist in some countries, at times as parallel to national registers (Spain and the Czech Republic, for example) and at other times, as independent entities. Germany is a clear example. The appointment and swearing-in of translators and interpreters is governed by the laws of each federal state and are subject to state specifications.

One of the most common approaches to maintaining lists of interpreters is for the court system itself to take on the responsibility. This is usually done at the regional or local level and is sometimes the responsibility of each specific court. The result is a plethora of approaches in the same country, with little uniformity of standards or requirements in place. For example, in Belgium, a register was created in 2003 in Antwerp, which is managed by the Court in collaboration with the district attorney and the Bar Association. Specific criteria do exist for inclusion, and stakeholders in the Antwerp District recognize the validity of the register, but its validity does not extend beyond the Antwerp judicial district. In Malta, the Court Registrar maintains a register; however, the police have an entirely different list and the interpreter engaged by the police is frequently retained in the trial phase to provide continuity. Furthermore, it is at the judge's discretion whether to consult the register or not. Countries in which individual courts are responsible for drawing up and maintaining lists include Bulgaria, Cyprus, Greece, and Italy. In Greece, it suffices for individuals to simply state on their application that they can speak a foreign language.

In Ireland and Austria, professional organizations have played an important role. In Ireland, the Irish Translators and Interpreters Association maintains a register of members who have met the association's criteria, but it is not considered an official or professional register. In Austria, the Austrian Association of Court Interpreters has been an active participant in the development of the legislation, training courses and certification exams for court interpreters.

A few specific cases are worth mentioning, given their *sui generis* approach to interpreting services. In Portugal, for example, informal lists of translators and interpreters are maintained by courts, embassies, chambers of commerce, notaries and even law offices. No uniform standards are applied, and the lists are tailored to the needs of the agency or entity in question and are sometimes built, at least partially, upon informal connections and relationships, friendships or professional interests. In Estonia, there seems to be a well-developed system for sign language interpreters, but not much as regards spoken languages.



Certification or accreditation procedures

If a register is only as valid as those included on it, the next step is to examine the current state of affairs as regards the testing and certification of legal interpreters in the EU. By definition, training is an important part of testing and certification; however, in the majority of EU countries, specific training for LIs is limited at best, and in some cases is non-existent. Furthermore, comprehensive training often seems to be lacking in the language pairs most often required by the courts. When training does exist, it is often partial, unregulated and sporadic.

In order to evaluate current practices, it is important to establish basic criteria for a valid certification procedure for interpreters and what domains should be included in a qualifying exam. The most obvious primary skill set is a high level of proficiency in both languages. For quality court interpreting to be guaranteed, candidates should be able to demonstrate a C1-C2 level of language proficiency as measured by the Common European Framework of Reference for Languages. Proof of proficiency should be required of all candidates in both languages, regardless of their native tongue. Once proficiency is established, interpreting skills must be evaluated. This can only be done through a performance-based, criterion-referenced exam. If interpreting skills are not evaluated through simulations of real situations, the exam cannot be considered valid, nor would

final certification. Knowledge of legal terminology, of the legal system, of the professional code of ethics, and of basic cultural components of the two language communities in question should also be covered. Once again, current practices and approaches vary widely in the EU. The countries that have the strongest legal mandates and the most developed registers are also those that have the most highly developed certification schemes. Thus, the U.K. and Sweden, which test in more than 40 languages, provide the strongest examples of comprehensive certification. In the Netherlands, there has been strong collaboration between stakeholders, with the certification scheme developed by a committee of experts from universities and assessment centres together with professional interpreters and translators. Furthermore, testing is closely tied to training and is guided by academic institutions. The assessment schemes in both Sweden and the Netherlands are also currently undergoing comprehensive review, which is further proof of a commitment to excellence and transparency.

On the other end of the spectrum are those countries with no formal testing or certification procedures in place. These countries include Bulgaria, Cyprus, Estonia, Finland, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, and Portugal.

Between these two extremes there are a myriad of approaches. For example, in several countries there is only one certification process that qualifies individuals as both translators and interpreters, even though assessment of interpreting skills is non-existent or woefully lacking in most of these cases. Romania and Slovenia are countries that fall into this category. Countries in which oral skills, but not necessarily interpreting skills, are included in the assessment procedure include Germany (Hamburg District for example, not all states), Ireland and Spain. Only in a few countries are interpreting skills evaluated separately (Austria, Belgium Antwerp Courts, the Czech Republic, the Netherlands, Slovakia, Sweden and the U.K.).

As regards competencies other than language proficiency and translating and interpreting skills, some countries also evaluate knowledge of the legal system (Belgium, the Czech Republic, Germany, the Netherlands, Slovakia, Slovenia, Sweden, the U.K.) cultural competency (the Czech Republic, the Netherlands) and knowledge of professional ethics (Belgium, Slovakia, Sweden).

Finally, some certification schemes require training and/or experience. Some countries require a degree or diploma in translating and interpreting or in philology rather than a test, some require university level studies but also require an exam of some sort (Spain, Slovakia, Slovenia), some offer special courses that lead to certification (the U.K., the Netherlands, for example), and some require continuing professional development courses for renewal of certification. As for

experience, only a few countries require interpreting experience: Austria 2-5 years depending on other qualifications, Slovakia 5 years, the UK 400 hours for full registration on the National Register of Public Service Interpreters. Those that require experience usually accept conference interpreting experience as well as public service interpreting experience.

| Test format for certification | |
|---|--|
| Test category | Member States |
| Translation and Interpreting tested and certified together | Austria, Croatia, Hungary, Poland, Romania, Slovenia, Spain |
| Translation and interpreting tested and certified separately | Belgium (Antwerp District), Czech Republic, Ireland, Netherlands, Slovakia, Sweden |
| Written test only, no oral component | Romania, Slovenia |
| Performance-based interpreting test (dialogic consecutive, sight translation, simultaneous) | Austria, Belgium (Antwerp District), Netherlands, Poland, Slovakia, Sweden, U.K. |
| Oral interview (oral assessment that does not include interpreting) | Ireland, Spain |
| Knowledge of the legal system and/or legal terminology | Austria, Belgium (Antwerp District), Croatia, Czech Republic, Netherlands, Slovakia, Slovenia, Sweden, U.K. |
| Knowledge of the Code of Ethics | Austria, Belgium (Antwerp District), Slovakia |
| Cultural competence | Austria, Czech Republic |
| Screening test administered | Belgium (Antwerp District), Czech Republic, Estonia (some districts), Netherlands |
| No test exists | Bulgaria, Cyprus, Denmark, Estonia, France, Greece, Latvia, Lithuania, Luxembourg, Malta, Portugal |
| Various approaches used from region to region or court to court | Germany, Italy |
| Special cases | <p>Denmark: through university degree</p> <p>Finland: under development</p> <p>Estonia: in some locals, interview and apprenticeship; well-developed for sign-language interpreting.</p> <p>Romania: Certification based on university studies and 2 hour translation exercise in many fields; testing in the legal domain is not required to work in the courts</p> |

In addition to training and experience, in some countries there are other requirements for participating in a certification process and/or being put on a list or register. The common ones include having a clear criminal record and being a

resident of a country, region or judicial district. However, there are a few examples of requirements that are more nebulous. For example, in Austria, candidates must show “physical and intellectual aptitude, moral integrity and a normal economic and financial situation”. In Luxembourg, a candidate must present a “declaration of qualifications”, and in Sweden, a candidate must be “known to have personal integrity and be considered suitable to work as an interpreter.” These kinds of requirements are difficult to measure or quantify and are open to interpretation and manipulation.

As regards certification of languages of lesser diffusion, with few exceptions, the tendency is to waive part or all of the requirements for languages for which certification exams are not available. In some countries, the procedure is the same for all languages but for most, requirements are modified for speakers of languages of lesser diffusion.

It is clear that there is no standard minimum competency level that has been broadly accepted in the EU for legal interpreters. The discrepancies that exist between systems erode the value of registers when they do exist and make it difficult to build mutual trust between Member States. If reciprocal recognition of certification is to become a reality in the EU, it is imperative that progress be made on setting some minimal quality standards for certification and registration.

Collaboration between stakeholders

Any process or procedure is enhanced when there is participation of all of the stakeholders, as each brings a specific perspective. As regards legal interpreting, judicial and police authorities, academics and researchers, professional associations, and professional translators and interpreters all have valuable insights and contributions to make. Governing bodies such as ministries, regulatory agencies, and legislatures also play a role. Developing open lines of communication and establishing mechanisms for regular collaboration and cooperation seems logical. There does seem to be a reasonable degree of collaboration in many EU Member States between some of the stakeholders. When asked: “Is there collaboration (consultation, input) between training bodies, professional associations, universities and judicial authorities?” only five Member States answered no. In all other countries, some degree of collaboration was reported. Take, for example, the response given by the Swedish informants:

Many non-Swedish language experts are recruited, e.g. from universities and other educational units. Administrators from *Kammarkollegiet* visit seminars organized by the Institute for Interpretation and Translation Studies at Stockholm University. *Kammarkollegiet* regularly organizes

training seminars for panel members, when external experts and researchers are invited to give lectures. Representatives of professional associations are often invited to these seminars as well. The accrediting agency has its own legal experts.

The most common nexus seems to be between regulators and universities or other training institutes, although interaction is often reported to be informal and irregular. Academic institutions or special instructional agencies are looked to for training and sometimes for testing and qualification. However, uniform standards seem to be lacking and oversight or regulation of training and/or examination can vary in the same country from institution to institution. As regards collaboration with professional associations, only a few countries report having active professional organizations, and even fewer, specific legal or court interpreting divisions. Nevertheless, where they do exist, they seem to want to promote improvement. When professional associations do not exist, lines of communication between professional translators and interpreters are difficult to establish. Structures and mechanisms should be more clearly defined and regular consultation and collaboration established.

Transparency in the certification process

Transparency has to do with the availability of information about certification procedures to all stakeholders, and especially to candidates for certification. Face validity, or the acceptance of an assessment scheme by stakeholders and by society in general, can only be achieved by making information public at all stages of the process. This begins with providing pre-certification materials, usually on-line, to interested parties and also feedback on exam performance to candidates. Those EU Member States that have some sort of certification exam do seem to have information on the internet about requirements, costs, dates and times for sitting for the exams. Another matter, however, is the provision of feedback to candidates on their test performance. This is not yet a universal practice, perhaps partially because of the complexity of some of the scoring mechanisms used and issues related to time and expense. Providing individualized feedback in writing within a reasonable period after an exam is taken, or immediate feedback at the time of an oral exercise, requires many hours of work on the part of examiners and increases the costs of test administration. However, if a qualifying exam is not perceived of as fair, valid and reliable, there will be no trust in the system.

Post-certification oversight and monitoring

One of the most overlooked aspects of the certification process is post-certification oversight and monitoring. In only a handful of countries is renewal of certification required. In even fewer are continuing professional development

and/or actual experience required. In several countries, certification or being included on a list of interpreters is permanent and no structured mechanisms are in place for removal or revocation of the certification. Even in countries in which revocation or removal are contemplated, the procedure is often unclear and structure is lacking. Complaints may be received, but how they are processed was only specified in one or two of the country profile reports.

CONCLUSIONS

- Strong legislative mandates for quality and consistency in the provision of interpreting services in criminal proceedings do not exist in most EU Member States. Loopholes exist that allow judges to appoint virtually any one to serve as an interpreter in a legal proceeding.
- There is a lack of uniformity of standards in all aspects of certification, training, and registration in E.U. Member States.
- There is not a clear “home” for the regulation or oversight of interpreting services. Ministries of Justice, the Interior, Foreign Affairs, and Culture, state prosecutor’s offices, private sector agencies, professional associations, and local judicial or police authorities have all been reported as involved in this very fragmented approach.
- As regards registers of "qualified" interpreters, there is a great deal of diversity in the approach taken internally in most Member States, with states, regions, judicial districts and even individual courts using different systems.
- With few exceptions, registers, where they do exist, are not based on valid and reliable testing or qualification schemes.
- When services are outsourced to private agencies, there are generally no stipulations as regards qualifications, certification, or working conditions included in the tender or contract.
- Specialized training, while available in some EU Member States, is the exception rather than the rule. Where it does exist, it is often expensive and not available to speakers of languages of lesser diffusion.
- Remuneration, when reported, was usually quite low and does not reflect the qualifications, knowledge, skills and abilities asked of legal interpreters. Compensation for legal interpreters is not commensurate with compensation for other types of interpreting (conference, business, etc.). This discourages qualified individuals from working in the legal field.
- The cost to the candidate of going through certification, and of participating in training courses when required, is often prohibitive. This is especially true for speakers of languages of lesser diffusion, who are aware that the opportunities they have to work to offset the investment they are required to make are limited.
- Collaboration between stakeholders does appear to exist in many Member States but is often irregular and unstructured.

- There is little, if any, post-certification oversight or monitoring of professional practice, and grievance procedures are not clearly defined.
- Dealing with languages of lesser diffusion continues to be a problem in even the most developed systems.

Latest update 18/06/2014