

Towards the Professionalization of Legal Translators and Court Interpreters in the EU

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Edited by

Martina Bajčić
and Katja Dobrić Basaneže

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JASNA RODEŠ holds a Master Degree in European Studies and has been involved in the translation industry and EU matters for years. She has been involved in many activities and projects in the social sciences and has developed a scientific interest for sociological research. Her academic interests include identification of occupational safety, primarily in terms of specific risks and dangerous situations that may arise in service industries, specifically, the translation profession. As a member of a professional association of court interpreters she is actively involved in the training of future court interpreters. She has translated numerous scientific and professional articles. She serves as Head of the Science and Arts Department at the University North in Croatia.

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—Martina Bajčić and Katja Dobrić Basanež
Rijeka, Croatia

CHAPTER ONE

TOWARDS THE PROFESSIONALIZATION OF LEGAL TRANSLATORS AND COURT INTERPRETERS IN THE EU: INTRODUCTION AND OVERVIEW

MARTINA BAJČIĆ AND KATJA DOBRIĆ
BASANEŽE

1. Introduction

While it is true that the translation profession has a long tradition, translators still need to struggle for professional status. Despite the fact that functionalism and the *skopos* theory have contributed to taking the translating and interpreting profession seriously (see Nord 2012, 35), Simeoni's claim (1998) that translator's *habitus* contributes to the subordinate position of translators in society holds especially true for the profession of legal translators and interpreters.¹ For, despite the fact that legal translators and interpreters play an essential part in enabling the functioning of multilingual legal orders such as the EU, as well as in court proceedings involving mobile EU citizens, they remain well-nigh invisible. Truth be told, one is hardly aware of translators and interpreters, lest an error occurs. Bearing in mind that legal errors in particular can have serious repercussions, since words in courtrooms and legal documents

¹ Note that the term *legal translator and interpreter* is used here as an umbrella term including also *court interpreter*. Due to a lack of terminological consistency, many different titles denoting certified or sworn translators who are authorized to designate their translations as legally valid are used within the EU. Likewise, there are no legal instruments at the EU level that define the notion of court interpreter or legal translator and interpreter.

have real-life outcomes, the legal translator and interpreter carry a heavy load of responsibility.

Today, more than ever, there is an upswing in the demand for legal translators and interpreters owing largely to the principle of free movement in the EU and recent developments in the global migrant crisis. In turn, there is a growing number of court proceedings involving non-nationals of a Member State, thus warranting the hiring of translators and interpreters. In response to this and recognizing a varying degree in the quality of legal translation and interpreting across Europe, the EU has adopted the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings.² The deadline for its transposition by the Member States was 27 October 2013. It is instructive to note that as instruments of secondary law, directives must be transposed into national legislation, whereas the Member States have the choice of the form and method by means of which the result of a directive is to be achieved. In other words, Member States have more leverage when transposing directives. This is important to emphasize since some states took great effort to raise the standards of protection provided for by the Directive such as Germany, while others are still struggling to meet the minimum standards imposed by the Directive (see Bajčić 2015, 219-237). It is up to the Member States to take the lead in improving the quality of legal translation and interpretation and proposing best practices and endorsing additional regulations of the work of legal translators and interpreters. In order to do that, we must first come to a new awareness about the profession of legal translators and interpreters, as this book sets out to do.

The profession of legal translators and interpreters must get rid of its old image and erroneous beliefs that, for instance, a person with good knowledge of two languages can master the activity of legal translation and interpreting. As a matter of fact, hiring bilinguals with no training in court interpreting and without legal competence has been the everyday reality of some EU Member States. Professional translators, however, know that legal translation requires not only linguistic, but also legal knowledge, due to the fact that “legal language is inextricably intertwined with the legal system” (Kjær 2007, 508) and there is a need to take the “situation, institution, text genre, legal actors, and type of legal action performed” (Kjær 2007, 511) into account in order to achieve the same legal effects when translating legal texts or interpreting in the legal context. For this reason, programmes for the training of legal translators

² Directive 2010/64/EU of the European Parliament and of the Council on the Right to Interpretation and Translation in Criminal Proceedings of 20 October 2010, OJ L 280/1.

and court interpreters must focus on the development of legal competence as well, as argued in this book.

In the aftermath of the Directive 2010/64 on the right to translation and interpretation in criminal proceedings, which aimed to achieve not only higher standards of legal translation, but first and foremost equal rights and fair trials throughout the EU for all persons suspected or accused of a crime, the time is ripe to introduce thorough changes into the profession of legal translators and interpreters in the EU. In order to cope with the evident lack of professionalization and different standards of interpreting quality in the Member States, it is important to mobilize professional translators' associations as well as the academia. We are pleased to say that initial efforts to this end have already been undertaken. The European Legal Interpreters and Translators Association (EULITA) is taking concrete steps to build standards for legal interpreters by trying to impose the international standard on legal interpreting (ISO 20228). Several projects are conducted with the support of the European Commission such as TransCert, a project launched upon the initiative of the European Commission's Directorate General for Translation (DGT) for the purpose of building trans-European voluntary certification of translators. On another front, universities are trying to develop both suitable curricula for the training of legal translators and interpreters and suitable models of teaching legal translation and interpretation, as elaborated in this volume. Nonetheless, a lot remains to be done for further strengthening of the profession of court interpreters and legal translators. The latter cannot be achieved without joint efforts of professional translators and scholars. While the former have the opportunity to raise the awareness about the importance of their profession in their everyday activities, the latter should streamline academic teaching in order to best meet the needs of legal translators and interpreters. Equally important is institutional support which should echo the voices of professional translators and scholars and offer appropriate training, accreditation and remuneration. Needless to say, professional status and prestige by all means reflect in the remuneration received by members of a certain profession. As can be adduced from the Chapters in this book, in many Member States the remuneration rate for legal translation and interpretation provided by the law leaves much to be desired.

The chapters in this volume are based on papers presented at the international scientific conference "Professionalization vs. Deprofessionalization: Building Standards for Legal Translators and Interpreters" which took place in Opatija, Croatia from 19 to 21 March 2015. The conference was organized by EULITA, the Jean Monnet Inter-University Centre of

Excellence Opatija and the Croatian Association of Court Interpreters and Translators. The contributions have been fine-tuned in order to best meet the needs of the targeted readership, namely court interpreters, legal translators and scholars from the fields of law, language and translation. Effort is made to raise awareness of the importance of creating a common ground for the profession of legal translators and interpreters in the EU. To this end the authors make a plea for uniform training programmes to be introduced Union-wide which would take into account the specific challenges of translating law and EU law in particular and provide the most suitable platform for the work of legal translators and interpreters. Likewise, they call for the introduction of more uniform professional standards for legal translators and interpreters by proposing concrete steps. Departing from this background the chapters cover both practice and theory of legal translation and interpretation, examining the latter from a twofold perspective. First, there is the professional translator's or the practitioner's perspective. The practitioners are not only aware of the problems encountered in their day-to-day work, but also mindful of the need to adapt to the changing circumstances and new regulations in the form of EU legislation. Second, there is the scholar's perspective which offers a critical view of legal translation and the work of legal translators and interpreters. Thanks to the different backgrounds of the authors, readers are given a rounded view of the challenges faced by the profession of legal translators and interpreters. Although the low status of the translator profession has been on the agenda of many scholars (Chamberlain 1988/2000; Chesterman and Wagner 2002; Hermans and Lambert 1998; Koskinen 2000; Lefevere 1995; Risku 2004; Schäffner (ed.) 2004; Venuti 1995), publications focusing on the status of the profession of legal translators are scarce.³ This volume intends to bridge this gap by providing an interdisciplinary view of the *status quo* and by suggesting a roadmap for the profession of legal translators and interpreters in the EU. In addition, the individual chapters have the potential to make the interpreting and translating profession more visible and enhance its prestige.

The book is divided into three parts. Part I presents the *status quo* of legal translators and court interpreters in Europe today, while underlining the need for the introduction of uniform and visible standards for the profession of legal translators and interpreters. Part II shifts the focus to different Member States' experiences with respect to the practice of court

³ With the exception of the *Study on the status of the translation profession* (Pym et al. 2012), which briefly addresses the issue of legal translators.

interpreting. Taking a critical view at the current practice of court interpreting, it considers different interpreting techniques and the need to include the latter into the training of court interpreters. Part III addresses the pressing issue of the lack of specialized programmes for legal translators and court interpreters. Proposals to fill this gap are made by presenting programmes and best-practice curricula from individual Member States. Discussing different theoretical approaches to legal translation with emphasis on the translation of legal texts and documents also takes centre stage in this part of the book, offering legal translators and interpreters valuable assistance in the practice of legal translation.

Part I: Building Standards for the Profession of Legal Translators and Interpreters in the EU

Chapter 2 by Liese Katschinka places emphasis on raising standards for the profession from an international perspective. It therefore focuses on an ISO standard for interpreting services in judicial settings. By outlining the current state of affairs for legal interpreters and translators in the EU and experiences of several EU Member States, Katschinka suggests that there are trends both towards professionalization and deprofessionalization. The issues involved in both trends are addressed by EULITA, who engages in a number of activities to promote professionalization, among them being the efforts to create an international standard on legal interpreting. Since the requirements for the admission of legal translators and interpreters differ among EU Member States and since continuing professional development (hereinafter: CPD) programmes offered by professional associations are based on different curricula, the author suggests that the standard should serve as a guidance document for all the stakeholders, who should endorse it in order to contribute to the needed professionalization. Although the next chapter in Part I also focuses on improving professionalization, it does so by depicting its national perspective.

Chapter 3 by Špela Kutin and Irena Ivelja thus depicts the challenges faced by the Association of Translators and Interpreters of Slovenia in light of the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings. Kutin and Ivelja suggest that there was a need to establish a Court Interpreter Section within the Association so as to comply with the requirements of the Directive with regard to the quality of interpreting services. The Chapter therefore outlines the efforts of the Section to fill this gap by organising training courses tailored to suit the needs of court interpreters and legal translators. By cooperating with legal

experts, the academia and members of the Association, the Section itself tries to raise awareness among all the stakeholders of the importance of their contributions to the quality of services in the field of legal translation and interpretation.

Part II: Different Member States' Practice of Court Interpreting

Chapter 4 by John Christopher Garwood and Isabella Preziosi outlines the lack of skills of practicing court interpreters in Italy with respect to performing whispered interpreting. Authors suggest that the only Member State which tests this technique during the certification process is the UK, now about to leave the EU. The fact that performing whispered interpreting in Italy is rendered even more difficult than in other Member States may be attributed to various reasons, from the use of archaic legal jargon and complex syntax during examination and cross-examination of witnesses to the use of dialect and bureaucratic Italian as well as reading a ruling at great speed or frequent overlapping of different speakers. Despite all these difficulties the course performed at the *Istituto Universitario di Mediazione Linguistica per Interpreti e Traduttori* in Perugia suggests that even on a small budget one can achieve sufficient proficiency in whispered interpreting and thus ensure the right to a fair trial.

Chapter 5 by Anastasios Ioannidis and Zoi Resta also highlights court interpreters' essential role in ensuring the right to a fair trial and suggests that despite this fact the level of professionalization of court interpreters in Greece is very low. Ioannidis and Resta detect that there is no educational programme in Greece devoted to court interpreting only and that there is no provision in Greek legislation that would impose requirements needed for qualifications of court interpreters. Professional associations of court interpreters, which may improve the status of the profession, are also non-existent in Greece and there is no Code of Ethics that Greek court interpreters are bound by. Furthermore, their rights and obligations are not regulated by any legislative document and their remuneration seems to be extremely low. Since, following Tseng's sociological model of interpreting, Ioannidis and Resta state that the market of court interpreting in Greece is at the stage of complete market disorder, it is suggested that the regulatory framework of the profession needs to be thoroughly revised in order to safeguard the fairness of criminal proceedings.

Chapter 6 by Viktorija Osolnik Kunc focuses on the situation in Slovenia and suggests that there is growing awareness of the need for change, witnessed on one hand by complaints voiced by Slovenian judges

with respect to the quality of interpreting provided by Slovenian court interpreters, and on the other, by the widespread view that interpreting and translating seems to be fairly evident. The Association of Sworn Court Interpreters and Legal Translators of Slovenia was therefore established with the aim of bringing forth a difference in thinking and its focus is on facilitating knowledge transfer and the understanding of legal reasoning. It therefore follows that a linguist has to focus on legal reasoning, whereas a legal expert must be acquainted with different translational approaches so as to ensure successful legal communication. One can thus experience the legal expert interacting with the expertly-informed linguistic layman, and the expert in translation and interpreting interacting with the expertly-informed legal layman.

Finally, Chapter 7 by Jasna Rodeš examines potential risks and dangers faced by court interpreters and legal translators. She suggests that members of this profession are exposed to potential bouts of violence, especially when the interpretation or translation is provided for the purpose of criminal proceedings or in the course of police investigation. Since legislation does not define categories of minimal or maximal risks for this profession and since, following the general trend of increased social violence, risks are also increasing in the practice of court interpreters and legal translators, there is need for permanent and systematic monitoring of this problem. This is also supported by the survey conducted by the author in several countries both in and outside the EU for the purpose of revealing situations in which participants felt their safety was jeopardized. Results of the survey clearly suggest that there is need for introducing new techniques in order to improve the safety of the profession. Moreover, future court interpreters and legal translators should be instructed on the potential risks and the ways they may protect themselves.

Part III: Best Approaches to Practising and Teaching Legal Translation

Chapter 8 by Alenka Kocbek introduces the topic of legal translation from a multitude of perspectives. Paying due attention to all the different facets of this interdisciplinary, Kocbek provides a rounded view of the main challenges of legal translation in both theory and practice. She makes the point that legal translators must take into consideration the multiple dimensions of language reflected in and potentially analysed through the prisms of terminology, text linguistics, pragmatics and discourse analysis. In the field of legal translation, envisaging the cultures in which the source

and target texts are embedded will demand the translator to be acquainted with the broader legal culture and in particular with the legal systems underlying the texts. Accordingly, the interdisciplinary nature of this field must be reflected in the educational and/or training programmes for legal translators. Kocbek argues that a balanced educational model for legal translators should consider the linguistic dimensions of legal texts and their extra-linguistic, i.e. legal aspects as well. Her cultureme-based model combines insights from work in several disciplines, such as translation studies, terminology, text linguistics, pragmatics and contrastive discourse analysis, and comparative law with a view to identifying differences in legal systems which may jeopardise the equivalence of legal concepts, but also affect other dimensions of legal texts.

Moving the focus to specific areas of legal translation Chapter 9 by Milica Gačić tackles the issue of translating multilingual EU legislative acts. EU law, as a developing product of different legal systems expressed through distinct linguistic systems, requires continuous research and review, not only of its subject matter, but also of the use of its official languages for the purpose of improving the EU legal system and achieving precision of the linguistic means used to express it. In light of the dynamism of change of EU law, lawyers and linguists continually develop new concepts and processes of examining the concepts already in use, in order to obtain their clear linguistic rendering. To invigorate that process, Gačić advocates the use of a multilingual contrastive approach to analyse the legal content of legislative acts, on the one hand, and their linguistic expressions, on the other hand. Using clearly defined legal concepts, expressed by precise terminology used in legal acts may provide ground for achieving and furthering equal authenticity in different official languages. With this in mind, Gačić conducts the described analysis, while taking into account issues of polysemy, synonymy and equivalence on both the lexical and syntactical levels. Examples are cited from official EU legal acts in Croatian, Slovenian, English, French and German illustrating possible contrastive approaches to multilingual translations.

Dealing with theoretical and practical aspects of document translation, Chapter 10 by Radegundis Stolze offers a well-thought-out approach to translating documents. As Stolze keenly observes, every person who translates a legal text is confronted with the task of first understanding the given text in order to present its content in another language for readers from a different legal culture. Every culture has its own law as a complex of rules governing the lives of people and handed down in the form of texts. In this sense legal translation is related to comparative law concerned with the comparison of legal systems and legal concepts among

various countries. The field of translation studies and translation practice in turn uses the said comparative law knowledge as a basis for work. This cultural and legal background is evident on the textual level. Drawing on her rich experience of an internationally acclaimed translator, Stolze argues for the need to employ a dual perspective – legal and linguistic – of documents as legal texts, in other words, to observe legal texts as both legal and linguistic artefacts.

The last two chapters of the book endorse best practices for curricula of teaching translation at the postgraduate level. Chapter 11 by Andrea Pignar Tomanič addresses the challenges in teaching legal and political translation to postgraduate (MA) students of the single-major program Translation and Interpreting at the Faculty of Arts, University of Maribor. The principal objectives of the course are to promote general linguistic competence and to advance specific subject-related competencies. Pignar Tomanič first sets out the theoretical framework for legal translation that is used by the author in her translation classes; it continues with a brief description of both students' individual work as well as their in-class activities during regular contact hours, which are designed with the overall objective of achieving the strongest learning effect possible. A three-level interdisciplinary approach that consists of the following stages is thereby applied: (1) understanding the ST by means of linguistic and discourse analysis and legal interpretation; (2) assignment of functions to ST legal remedies and their assessment in terms of their translatability into the TT; and, finally, (3), ST transfer into the target language by taking into account the TT function(s), recipients and context. In conclusion, she summarizes the main outcomes of her activities, particularly by making reference to students' individual seminar assignments, with the aim of identifying and presenting prospective new approaches to teaching legal translation.

Finally, Chapter 12 by Marija Brala-Vukanović focuses on postgraduate programmes for translators and interpreters. To cope with the growing demand for translators and interpreters, new training programmes for translators and interpreters are constantly being created, while the curricular arena of the contents taught, i.e. competencies developed in these programmes seems to be very diverse. Albeit there have been attempts to unify at least the general core of such programmes, even a very generic overview of the programmes reveals that the main issue – and the main divide – remains the ratio and the mode of integration between theory and practice in translators' curricula. Brala-Vukanović offers a threefold perspective on the issue of theory vs. practice in translator's curricula. The first one is the perspective of a former student and graduate of University of Trieste's 'School for translators and interpreters'

(SSLMIT). Secondly, as a professor at an academic institution with a long (curricular and other) tradition Brala-Vukanović (re)addresses the issue of curricular contents from the teacher's point of view. Finally, as co-founder of a new academic programme in translation – the postgraduate diploma in translation – created in 2011 at the Faculty of Humanities and Social Sciences at the University of Rijeka, she addresses the topic of curricular contents in the light of curricular design issues.

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PART I:

**BUILDING STANDARDS
FOR THE PROFESSION OF LEGAL
TRANSLATORS AND INTERPRETERS
IN THE EU**

CHAPTER TWO

AN ISO STANDARD FOR INTERPRETING SERVICES IN JUDICIAL SETTINGS

LIESE KATSCHINKA

1. Introduction

On the occasion of the general assembly of the European Legal Interpreters and Translators Association (hereinafter: EULITA) on 21 March 2015, DG Translation held a “Translating Europe Workshop” and the Jean Monnet Inter-University Centre of Excellence Opatija, Croatia, and the Croatian Association of Court Interpreters and Translators (ACIT) organized an international conference titled “Professionalization vs. Deprofessionalization: Building Standards for Legal Translators and Interpreters”. The title of the conference aptly describes two opposing trends, namely the professionalization of legal interpreters and translators on the one hand, and deprofessionalization of the profession in general on the other hand. The present Chapter describes one of the activities undertaken by EULITA to the end of promoting the professionalization of the legal interpreting and translation profession. More specifically, the author underlines the importance of introducing an ISO standard for the interpreting services in judicial settings. The following section outlines the current state of affairs for legal interpreters and translators in the EU, while drawing on the experiences of several EU Member States (section 2). Section 3 first takes a closer look at the role of standards which act as benchmarks in a particular field. Thereafter, I shall present concrete steps taken by EULITA to develop a standard on legal interpreting services.

2. Professionalization vs. Deprofessionalization

The above-mentioned trend towards the professionalization of legal interpreters and translators is witnessed by the fact that many tertiary-

education institutions offer academic training courses to future interpreters and translators. With the European Master's in Translation (hereinafter: EMT), a partnership project between the European Commission and higher-education institutions offering master's level translation programmes across Europe, a **quality label** has been established for university translation programmes that meet agreed professional standards and market demands. The European Master in Conference Interpreting (hereinafter: EMCI) is the equivalent for interpreters. However, training for the interpreting and translation profession is also offered by professional associations, especially in the context of continuing professional development (hereinafter: CPD). A brief glance at the CPD courses and seminars offered by associations illustrates that interpreters and translators have many options to specialize in their work.¹ Due to an increased interest of interpreters and translators in CPD programmes, several associations have, in fact, established commercial undertakings to manage their CPD activities² (cf. Chapter 3). In fact, renewal of membership in an association, or re-certification as legal interpreter and translator often depends on evidence by the professional interpreter and/or translator on the successful attendance of CPD events. Slovenia, the Czech Republic and Poland are but a few examples of countries where CPD plays this important role.

Quality of interpreting and translation services is also a requirement of Directive 2010/64 EU on the right to interpretation and translation in criminal proceedings³. Paragraph 8 of Article 2 (Right to interpretation) states that

“interpretation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence.”

Likewise, Paragraph 9 of Article 3 states that

¹ See, for example, Austrian Association of Court Interpreters. Accessed February 20, 2016. www.gerichtsdolmetscher.at

² See, for example, Bundesverband der Dolmetscher und Übersetzer e.V. Accessed January 10, 2016. www.bdue.seminare

³ DIRECTIVE 2010/64/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010

on the right to interpretation and translation in criminal proceedings , Official Journal of the European Union L 280/1, 26 October 2010

“translation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence.”

Article 5 underlines this emphasis on quality and calls on EU Member States to

“take concrete measures to ensure that the interpretation and translation provided meets the quality required under Article 2(8) and Article 3(9).”

Regrettably, one must also state that there are trends towards deprofessionalization, in the sense that users of translation and interpreting services frequently disregard the need for qualifications on the part of the providers of translation and interpreting services. The trend toward deprofessionalization of the legal interpreting and legal translation professions can be observed from the following developments:

- there are national attempts to suspend legal interpreting and translation legislation (Denmark, for example, which has one of the oldest laws in Europe on legal interpreting and translation services, suspended its legislation in 2015);⁴
- there is insufficient knowledge of legal interpreting and translation services among the judicial stakeholders (Cambridgeshire Constabulary, for example, realized only a few months ago that it would be meaningful to include interpreter-based communication with suspects, etc. into the training curriculum of police officers);⁵
- there are frequent complaints regarding the “cost” of transposing Directive 2010/64 EU (Germany and Austria, amongst others, recommend the use of the exception in Article 3 (7) “that an oral translation or oral summary of essential documents may be provided instead of a written translation ...”) (see, for example, Austrian Law Gazette BGBl. I 195, 2013);⁶

⁴ Danske Translatører. Accessed March 15, 2016. www.dtfb.dk

⁵ With this in mind, the first UK National Joint Training for Police Officers and Police Interpreters “Working together to obtain the best evidence” was held on Friday, September 11, 2015 at Cambridgeshire Constabulary Headquarters, Hinchinbrooke Park, Huntingdon.

⁶ Austrian Law Gazette BGBl. I 195, 2013. Accessed February, 20, 2016. https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2013_I_195/BGBLA_2013_I_195.html

- there are trends to “outsource” LIT services, which leads to a lowering of quality standards (the most striking example is the Framework Agreement of the UK Ministry of Justice, which led to a mass exodus of qualified legal interpreters and translators from the profession, as they could not afford to provide their services at the drastically lower rates) (see Bajčić 2015, 234);
- there is widespread “CV fishing” on the internet (translation companies and interpreting agencies ask qualified interpreters and translators to send in their CVs to prove to potential clients that they cooperate with high-quality professionals, while eventually recruiting less qualified service providers who are available at lower fees).

Needless to say, all of these issues must be addressed on the path to the professionalization of legal interpreting and translating. With this in mind, EULITA, is engaging in a number of activities to promote professionalization such as:

- supporting the training and CPD of legal interpreters and translators (the VOLUNTARIAT programme encourages academics and students to engage in research on legal interpreting and translation issues, whilst the annual conferences preceding the EULITA General Assembly are dedicated to specific legal interpreting and translation issues);
- creating more awareness among judicial stakeholders for the quality of legal interpreting and translation services (in contacts on the national and European level with lawyers, judges, police officers, ministries of justice, etc., EULITA informed judicial stakeholders of the practical implications of Directive 2010/64 EU on the right to interpretation and translation in criminal proceedings);
- contributing towards the implementation and practical application of Directive 2010/64 EU (EULITA participated actively in several EU-funded projects that promoted the transposition of Directive 2010/64 EU such as TRAFUT [Training for the Future, JUST/JPEN/AG/1549], QUALETRA [Quality in Legal Translation, JUST/2011-2012/JPEN/AG2975] or LIT Search [European pilot database of legal interpreters and translators, JUST/2013/JPEN/AG/4556]); and
- supporting professional associations in raising the quality standards for legal interpreters and translators (national professional associations were invited to join the aforementioned EU-funded projects as partners, and EULITA assists them in their national efforts through advice and active intervention when so asked by them).

The most recent effort to professionalize legal interpreting and translation is the work undertaken towards an ISO standard for interpreting services in judicial settings. Creating such a standard would account for visible benchmarks signalling the quality of the provided interpreting services.

3. An ISO Standard for Interpreting Services in Judicial Settings

3.1 What is a standard?

The International Organization for Standardization (hereinafter: ISO)⁷ defines standards as being

“documents that provide requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose.”

Leaving aside the legal meaning of standards, in general standards do not have the same effect as laws. In other words, they do not have binding effect upon those affected by their scope of application. However, standards represent the shared opinion of persons working in a specific field or producing a specific product on the desired level of quality. A standard can thus be described as a common denominator based on many years of experience gathered by persons working in a specific field. Especially in the technical field, governments and authorities therefore rely on such benchmarks, i.e. the specifications established in standards when drafting legislation, engaging in tendering processes and/or awarding contracts. Standards can also cover services provided by professionals, and certification by independent bodies, based on such standards, is regarded as a quality sign. In summary, a standard circumscribes the level of quality which the representatives of the industry producing a product, or the professionals providing a service have established as the state of the art.

⁷ International Organization for Standardization. Accessed March 20, 2016. <https://www.iso.org>