

# Court interpreting in a multilingual and multicultural Europe

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Freedom of movement between EU countries results in a significant migration within the EU; at the same time, migration and immigration brings people from all over the world into the EU countries. Some of these come as workers, guests or tourists, others as refugees seeking asylum.

Within each member state there are thus important multilingual and multicultural populations, speaking a wide range of not just European languages but also the languages of Asia, Africa, and Eastern Europe. Immigration from outside the EU increases, and it is a characteristic of the non-native populations that many of their members do not master the language of the country in which they live, be it permanently or just for a short period of time. This can give rise to problems if, for some reason or another, they get into conflict with the law or just need the help of the legal services since the language of the courts is normally the national language of any given country. However, the problem is not just a language problem, it is also a cultural problem, i.e. a lack of mutual understanding of the legal systems and the processes involved - and it is a problem that endangers the legal rights of the individual.

### **Equal access to justice across languages and cultures**

Those working in the legal systems of EU member states are required to provide equal service to all, i.e. equal access to justice, irrespective of language and culture (European Convention on Human Rights/Treaty of Amsterdam), but the quality of decisions and actions depends upon the quality of the information on which they are based.

Reliable and accurate communication is thus a pre-requisite for equality. When those involved in an act of communication - or what should be communication - do not fully share the same language and cultural background, the reliability and the accuracy of the communicative act is at stake, and so is equality.

A major contribution to the solution to this problem would be the assistance of qualified court interpreters as well as legal translators, since much communication in the legal system is written. The interpreters and translators should be appropriately trained, assessed and subjected to professional good practice requirements of equivalent standard all over the EU. And, what is equally important, the legal practitioners should know how to work with interpreters and translators and how to work across cultures.

Within the EU countries there is a growing awareness of the issue of equal access to justice and, in that respect, of the importance of raising the quality of court interpreting as well as legal translation. This is among other things reflected in a number of conferences on court interpreting, e.g. The Fourth International Forum and First European Congress on Court Interpreting and Legal Translation: *Language is a Human Right*, Graz, Austria, November 1998, and the upcoming Sixth International Forum on Legal Translation and Court Interpreting in Paris in June 2002, and at conferences on interpreting and translation all over Europe there are more and more interventions dealing with court interpreting. Equal access to justice, including court interpreting, is likewise a concern of the EU authorities<sup>[1]</sup> that in 1998, under the auspices of the GROTIUS Programme *Equal Access to Justice*, granted funding to a two-year project on court interpreting and legal translation, the Grotius Project

98/GR/131, which has been continued, at the end of 2001, in another Grotius Project, 2001/GRP/015, this time for one year.

### **Grotius Project 98/GR/131**

This project involved participants from universities in Belgium, Denmark, Great Britain and Spain, and the aim was to establish EU equivalences in the standards of training, assessment and practice of legal interpreters and translators. The outcomes of the project include guidelines on selection criteria and assessment, curriculum outlines and recommendations for training, models for codes of conduct and good practice, and guidelines on inter-disciplinary working arrangements between interpreters, translators and the legal services. The outcomes have been published in a book *Aequitas: Access to Justice Across Language and Culture in the EU* (2001).<sup>[2]</sup>

### **Grotius Project 2001/GRP/015**

This project involves participants from universities and legal services in Belgium, Denmark, Great Britain, the Netherlands and the Czech Republic, and the aim is to organise a European multi-disciplinary conference for representatives of the legal services as well as legal interpreters and translators and to set up a website. The subject of the conference, which will be held in November 2002 in Antwerp, Belgium, is to be interdisciplinary working arrangements, including a code of ethics, and the implementation of national and European strategies for equal access to justice across languages and cultures.

The overall purpose of the project is

- to disseminate the achievements of Grotius project 98/GR/131, in particular the recommended legal interpreters' and translators' code of ethics and the interdisciplinary conventions, to all member and candidate states, and
- to build on those achievements by working with other professionals to develop practical tools, guidelines and skills through which the code of ethics and the interdisciplinary conventions could be implemented successfully.

The outcomes of this project will be fundamental recommendations and guidelines as well as practical tools and teaching materials, etc. This will be made available to all member states and candidate member states through the publication of the conference proceedings in a book and on the project website ([www.legalinttrans.info](http://www.legalinttrans.info)).

### **Danish spin-offs of the Grotius projects**

During the first Grotius project, so-called interdisciplinary national committees were set up in the partner countries, recruited from the judiciary as well as the legal interpreter and translator profession and comprising the two project participants. This has been the beginning of interdisciplinary co-operation in various fields and a growing awareness and recognition of the importance of dealing with effective communication across languages and cultures in the court room, at the police station and in other settings involving the legal services.

As part of an awareness raising campaign within the legal services, two members of the National Committee have thus published an article on the assistance of interpreters in Danish courts in a legal journal<sup>[3]</sup>, pointing out what needs to be altered in order to ensure effective communication, and the two project partners were invited to a seminar for Danish judges to talk about interdisciplinary conventions between the interpreters and the judiciary and about the qualifications and registration of interpreters.

Other spin-offs of the Grotius projects are,

- The establishment of an interdisciplinary working party on court interpreting comprising a judge, a defence lawyer, interpreters working at the District Court of Aarhus, and the two

project partners. The overall aim of this working party is to enhance the quality of court interpreting. The first result of this has been that interpreters, in advance of an assignment, receive copies of relevant documents in order for them to prepare for the assignment.

- The institution of annual meetings between legal practitioners (judges, prosecutors, defence lawyers) and interpreters attached to the District Court of Aarhus with the opportunity to discuss issues of mutual interest. The first meeting focused on how both the legal practitioners and the interpreters can effectively contribute to efficient communication across languages and cultures. Future meetings will be more focused on specific issues/themes.
- The appointment of a judge at the District Court of Aarhus as contact person for the interpreters attached to this court; they can thus turn to him, should any problems arise in connection with their interpreting tasks in court.
- The recording of videos of court and police interpreting to be used for training of not only interpreters but also police officers and legal practitioners. The recordings were produced in real settings and with legal practitioners, police officers and legal interpreters as actors in co-operation between the Copenhagen Police Academy, the District Court of Aarhus, and the Aarhus School of Business.

The above-mentioned activities have already not only improved the working conditions of the court interpreters and the co-operation between interpreters and the legal practitioners, they have also created a growing awareness of the complexity of communication across languages and cultures among the non-language professionals. Thus they provide a sound and promising basis for further interdisciplinary co-operation.

## Notes

[1] The Scientific Committee on Translation and Interpreting, a sub-project under the Thematic Network Project in the area of Languages (1996-1999) under the auspices of the European Language Council, developed a set of recommendations regarding standards of teaching, and subsequently standards of practising, public service and business interpreting, including court interpreting.

[2] Hertog, E. (ed.) (2001) *Aequitas - Access to Justice across Language and Culture in the EU*. Antwerp: Lessius Hogeschool.

[3] Bisgaard, O. & B. Martinsen (2000) *Tolkebistand i retssager*, Ugeskrift for Retsvæsen. København: Forlaget Thomson.