

Consultations - Roadmaps concerning Justice and Fundamental Rights

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As one of the Commission's main stakeholders, EULITA is pleased to give its position on the two roadmaps mentioned.

Ares(2017) 5430278

During the past six years, EULITA took part in, or contributed to, a number of European projects which had one target in common, namely to improve quality:

- a) in the training of judicial stakeholders as outlined in Directive 2010/64 (TRAFUT - Training for the future, 2011-2012);
- b) in the effective communication through an interpreter, that is the cooperation between judicial stakeholders and legal interpreters (ImPLI - Improving Police and Legal Interpreting, 2011-2012);
- c) in the training of legal interpreters for languages of lesser diffusion: (TraiLLD 2013-2015);
- d) in promoting the quality of translations, especially of essential documents (QUALETRA - Quality in Legal Translation, 2013-2014),
- e) in interpreting for vulnerable individuals (Co-Minor-IN/QUEST, 2013-2014);
- f) in the search for a qualified legal interpreter and translator: (LIT Search, pilot project for a European database of legal interpreters and translators, 2014-2015).

Among the conclusions of all these projects one stands out: since the training of judicial stakeholders is a shared competence, Member States have to accept their responsibilities, and cooperation at EU level has to be established for training the trainers of the professionals in legal context, that is police officers, judges, prosecutors, lawyers, court staff (see art. 6 of Directive 2010/64).

Unfortunately, if we look at the present situation in most, if not all, European countries we can see that there has been little or no progress since the coming into force of Directive 2010/64, in particular in the field of legal interpreting

Numerous EU Member States participated in these EU-funded projects, such as Austria, Belgium, Czech Republic, Finland, France, Germany, Ireland, Italy, The Netherlands, Poland, Spain, Sweden. This should have made it easier for them to promote the transposition of Directive 2010/64.

Although the final reports of these projects, drawn up in English, have been published on the Commission's and EULITA's webpages, as well as on the sites of all project partners involved, the impression is that they are practically unknown to the public in Member States. Why is this?

Is it possible the publication of these reports in English has proven an obstacle to their implementation in non-Anglophone countries?

Since the projects have been authorized and financed by the Commission, we believe it would be beneficial to all parties if this institution were to find alternative ways of disseminating content and conclusions of these projects.

Why has article 6 of Directive 2010/64 - according to which [...]“*Member States shall request those responsible for the training of judges, prosecutors and judicial staff involved in criminal proceedings to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication*” has not been adequately transposed?

We believe that the aspect of how to effectively communicate and work with an interpreter in legal/judicial/police settings should have already been taken into account in the training regimen for judges, prosecutors and judicial staff. Such training as it exists is insufficient.

Ares(2017) 5432247

We believe that, to comply with directive 2010/64 and to meet the needs of legal and judicial stakeholders, a new approach must be taken in respect of the organisation of training arrangements for justice professionals:

- a) effective communication through and working with an interpreter must become a fundamental element of any judicial training, either as a stand-alone module or as part of a joint training;
- b) several other modules should also be developed in order to improve the quality of interpreting, which is an essential element for a fair trial: continuous training for legal interpreters and translators; how to work with interpreters if the foreigner is a minor who speaks a language of lesser diffusion; how to use the videoconference techniques when working with interpreters;
- c) one of the subjects where legal interpreters and translators require further training is the area of ethics and the practical application of ethical standards;
- d) judges and prosecutors must have the possibility of recruiting competent and qualified interpreters: it is therefore extremely important that Member States comply with art. 5,2 of the directive, according to which [...]“*Member States shall endeavour to establish a register or registers of independent translators and interpreters who are appropriately qualified*”. (For details, see the LIT Search final report.)

The publication on the e-Justice portal of a “European” register, with the possibility of rapidly finding a qualified legal interpreter or translator with the needed language combination, must become one of the objectives of this roadmap.

EULITA, with the fundamental support of its national associations, will be always available to cooperate with the Commission and any other national and international institutions or organisations which have the same objectives in order to find the best solutions to improve the status of qualified legal interpreters and translators, to promote their crucial and central function in legal settings, and to contribute to the successful achievement of a higher standard of justice in Europe.