



Accessing Justice through an Interpreter in Ireland's District (Criminal) Courts

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The Context

Immigration 2000 – 2007	750,000 people from 211 countries
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Judge Riordan 2007	immigrants: up to 20% of criminal court appearances
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Irish Prison Service 2007 & 2008	non-Irish nationals: one third of committals
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Spending on translation /interpreting services, Irish Courts Service	2000: €103,000 2007: €2m
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Sole service provider 2007-	Lionbridge
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Courts Service Annual Reports 2007 & 2008



“The Service continued to provide quality interpretation services (...) to facilitate access to justice for those for whom English is not their first language. A single service provider continued to (...) ensure an appropriate standard of service.”

Irish Translators and Interpreters Association (2008)



“There are far too many people working as interpreters in our courts who have no background in translation or interpreting, no knowledge of legal terminology or interpreting techniques and a doubtful knowledge of ethical issues.”

Conflicting Reports



MEDIA:

Irish Independent (2006): “€15m is lost in translation by the courts.”

Irish Times (2007): “Growing demand exposes poor translation services.”

ON PROCEDURE:

Minister for Justice, Equality and Law Reform (2007): Ireland “has a comprehensive set of procedural rights in place which exceed those in the (...) proposal.”

Spronken and Attinger (2005) / AGIS (2008): Ireland meets only one proposed standard fully.

Right to an Interpreter



Understood as part of natural justice

European Convention on Human Rights Act 2003

Case-law: acceptance, awareness and skepticism

In Practice



Interpreters are provided

“Can you speak English?”

Unclear system

Judicial discretion

Standards

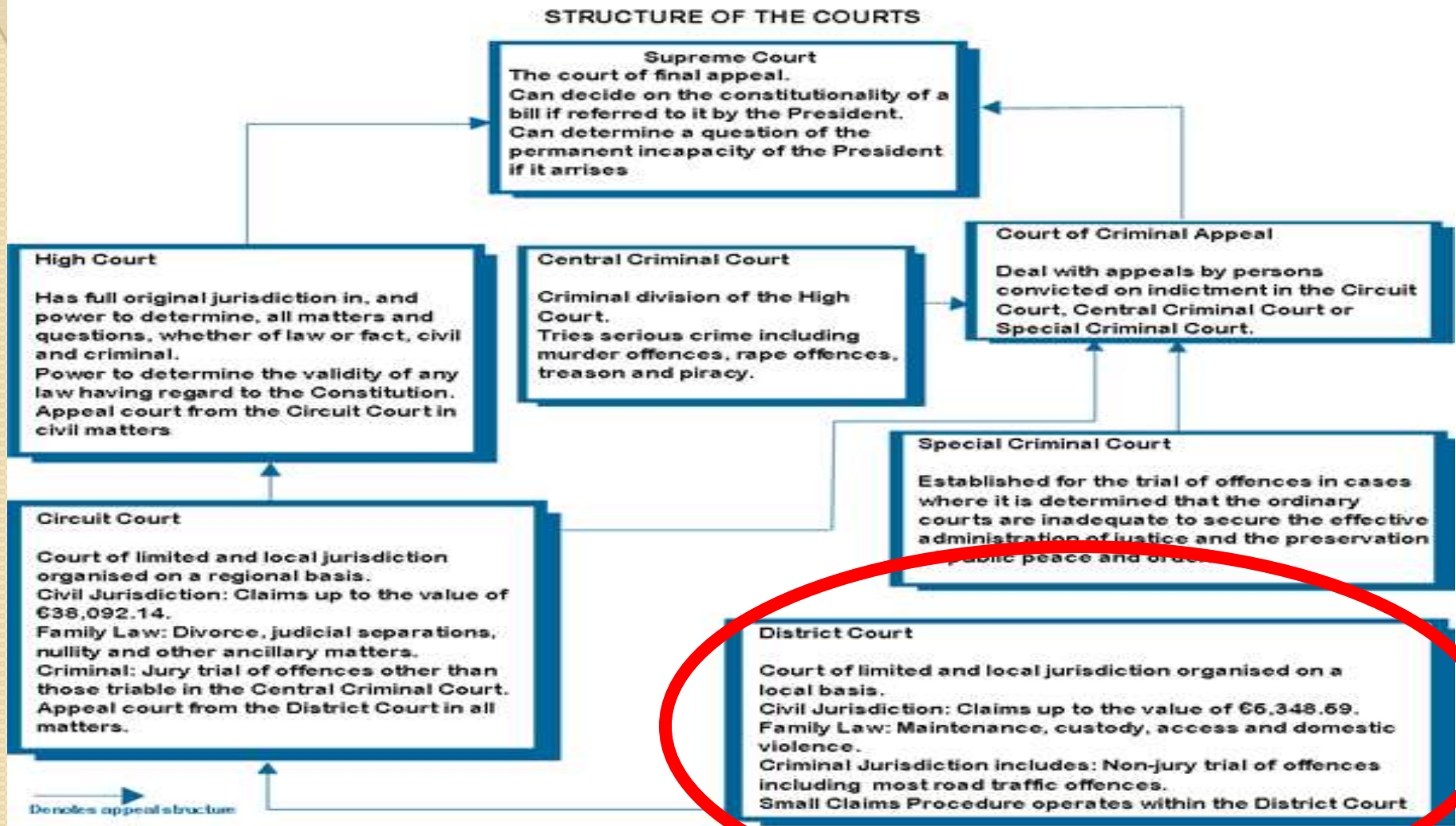
NO qualifications necessary/regulation/monitoring/guidelines

NO criminal background checks & uncompetitive rates of pay

Satisfaction: improvement

Interpreters disheartened

Structure of the Courts



Structure of Cases

Introduction / What happened last time?

Bail Application / Legal Aid Application

The Charge / Evidence of arrest, charge and caution

The Facts

[Jurisdiction]

The Plea

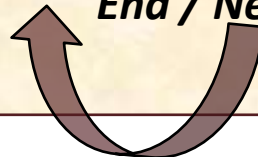
[The Evidence]

Criminal History

Mitigation (family, financial, work circumstances)

The Sentence

End / New Date



District Court

enormous volume of work

cases proceed slowly; many delays

interpreting *not* main cause of delay

Losing one's understanding

“Who is ...?”

- difficult to identify participants
- constant movement

“What?!”

- poor acoustics
- high speed proceedings and speech
- interruptions
- legal language

Losing one's understanding

Introduction: "I appear, Judge."

The Charge: "It's a Section 4"

Jurisdiction: "Do you have directions?"

Criminal History: "Has he previous?"

End: "May it please."

Some interpreting issues

Speech too low / too fast	what to interpret?
2+ people speaking	can't interpret all
Omissions	must understand implications: experience
Unrelated speeches at high speed	leave it out?



Other defendants

Repeat Offenders

Legal representation

Consultation

LEP defendants

LEP is represented

Solicitor Consultations – invaluable

‘Translates’ into plain English for defendant/interpreter

LEP is unrepresented

Experienced interpreter - ethical considerations

LEP as solicitor – unfair expectations?



Responsibility



Thank You

Questions? Comments?

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