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Creation of a Terminology Data Base on Austrian Asylum Law

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Aspects of Legal Interpreting and Legal Translation

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Outline

- **Legal language & legal German**
- **Differing terminology (examples)**
- **Terminology database on Austrian Asylum Law**
 - **Quality & Qualification of interpreters & translators**
 - **Project Aims**
 - **Methodological Approach**
 - **Terminological Problems**

Legal Terminology (I)

Characteristics of Legal Language

- Legal language describes a metaphysical phenomenon
- Strongly linked to the culture of any particular society since law is entirely made by humans
- Legal rules differ in different legal orders
- Therefore legal concepts also differ from each other

Legal Terminology (II)

Characteristics of Legal Terminology

- Legal Concepts and Legal Terms
- Homonyms
- Synonyms

Legal German (I)

Characteristics of Legal German

- Rich terminology
- Pure German word forms (but often Latin calques)
- Abstract character

Legal German (II)

Geographical Overview

German as a legal language is used in several (parts of) countries:

- Germany
- Austria
- Switzerland
- Eastern Part of Belgium
- South Tyrol (in the North of Italy)
- Liechtenstein

German legal concepts and German legal terms can be quite different in these countries → one reason can be found in historical interaction between societies in question

Special case: Legal German in the European Union

Legal German (III)

Historical Overview

- Latin and German as official languages in the Holy Roman Empire
- Reception of Roman Law in Germany at the end of the Middle Ages and beginning of Modern Times -> Latin became again dominant legal language
- 17th century: influence of French
- Age of Enlightenment: Germanisation of the Legal Language – at the end of the 17th century some courts wrote their judgments in German

Codification of law in the regional states of the Empire (e.g. Allgemeines Bürgerliches Gesetzbuch 1811)

- Legal Language of the United Germany
- Legal Language after World War II

Examples for differing terminology (I)

Terminological differences appear in all branches of law

Procedure Law

The concept of legal aid is expressed in different ways in different law systems:

Verfahrenshilfe (AT)

Prozesskostenhilfe (DE)

Unentgeltliche Rechtshilfe (CH)

Unentgeltliche Verfahrenshilfe (STAA)

Examples for differing terminology (II)

Asylum Law

Concept of a person seeking asylum

Asylwerber (AT)

Asylbewerber (DE)

Bitte lesen!
Bitte lesen Sie
Übersicht: 2004-44 (1)13833
Fachgebiet: Recht
Mehrfachpubliziert: Applikativ

Deutsch

Anmerkung: Nach dem Asylgesetz 2005 wird zwischen Stellung und Einbringung des Antrags auf internationalen Schutz unterschieden. Stellung des Antrags ist das formale Ersuchen um Asyl. Damit beginnt der faktische Abschiebeschutz. Der Antrag kann bei einem Organ der Exekutive (Polizei) gestellt werden. Als eingetracht gilt der Antrag aber erst, wenn der Asylsuchende sich in die **Erstaufnahmestelle** begeben oder bei ihr vorgeführt wird und dort persönlich seinen Asylantrag bekräftigt. Das Ersuchen um Asyl kann vor Vorherrschen in einer Erstaufnahmestelle vorgebracht werden. Dann ist die Stellung des Antrags gleichzeitig die Einbringung.
Falls der aufgeföhrte Fremde aus bestimmten Gründen nicht bei der Erstaufnahmestelle vorgeführt wird (wie er z.B. gleich in Schubhaft genommen wurde), gilt der Antrag als eingetracht, wenn die Befragung, allenfalls Durchsuchung und entsehungsberechtigte Befragung bei der Polizei abgeschlossen ist (§ 17(5) AsylG 2005).
Der Termin der Einbringung hat verfahrensrechtliche Bedeutung. Erst mit der Einbringung beginnt das Asylverfahren und ist man Asylwerber.

Form: Antrag auf internationalen Schutz stellen

Quelle: § 17(5) AsylG 2005

Wortart: **freigegeben**

Spezialkategorie: Gesetzliche Benennung

Definition: Ein Antrag auf internationalen Schutz ist gestellt, wenn ein Fremder in Österreich vor einem Organ des öffentlichen Sicherheitsdienstes, einer Sicherheitsbehörde oder bei einer **Erstaufnahmestelle** (§ 59) um Schutz vor Verfolgung ersucht.

Quelle: § 17(1) AsylG 2005

Kommentar: Am selben Tag stelle der Beschwerdeföhrer neuerlich einen (zweiten) Antrag auf internationalen Schutz, bei seiner Einvernahme brachte er vor, sein Fluchtgrund habe sich nicht geändert.

Quelle: [§ 17\(1\) AsylG 2005](#)

Form: Asylantrag stellen

Quelle: [§ 17\(5\) AsylG 2005](#)

Wortart: **freigegeben**

Spezialkategorie: Gesetzliche Benennung

Definition: [...] Verfahrensbestandteil
1.) Sie haben einen Asylantrag in Österreich vor einem Organ des öffentlichen Sicherheitsdienstes, einer Sicherheitsbehörde oder bei einer Erstaufnahmestelle gestellt.

Quelle: [§ 17\(5\) AsylG 2005](#)

Arabisch

طلب اللجوء

freigegeben

freigegeben

freigegeben

الطلب من هذه العناوين هو التعريف بالإجراءات والمعايير القانونية عند طلب اللجوء. كذلك بالمخوف والواجب التمسك بالمعيار القانوني الموحد في جميع الحالات.

Oral Specialized Communication between Experts and Lay People

- **Specific terminology of asylum law & asylum matters in general**
- **Austrian variety of German asylum terminology**

If we consider the working scenario of an interpreter in asylum cases as a situation of oral specialized communication between experts (e.g. representatives of the asylum authorities) on one side and lay people (e.g. asylum seekers) on the other side, we have to acknowledge the role and importance of specialized terminology as a characteristic feature of LSP. Terminology plays THE crucial role for a clear understanding of the message communicated among experts and even more in interaction between experts and lay people.

For interpreters in the asylum setting the correct understanding of legal terms and the problem of making them understandable to lay people in an extremely vulnerable and stressful situation belong to the most complex tasks they have to cope with. This task gets even more complicated in respect to some particularities of Austrian German asylum terminology.

Most Striking Problems

- **Lack of transparency of German source texts**
- **Terminological changes after several amendments to the Austrian Asylum Law (inconsistency)**
- **Homonymy: overlap of Geneva Convention, EU legislation, Austrian legislation**
- **Availability of sources**

Lack of transparency: There are contrasting German terms in the Austrian Asylum Law which have their origin in general language and do not seem to have any specific meaning with different legal implications, for example

„Asylantrag einbringen“ vs. „Asylantrag stellen“:

„Stellen“ means to make a non-formal application at the police station / with the police which involves protection against removal;

whereas „einbringen“ means the formal application at an initial reception center or the confirmation of it, if the asylum seeker was brought to the reception center by police.

Since the legal implication of the German terms „Asylantrag stellen“ vs. „Asylantrag einbringen“ is a different one, different terms have to be provided in all target languages as well (to make a non-formal application vs. to file an application)

Concerning inconsistency due to terminological changes after amendments to the Austrian Asylum Law without consistent application of the „new“ terms in all documents related to the law I can give you the following example:

„Asylantrag“ = application for asylum was replaced by „Antrag auf Internationalen Schutz“= application for international protection; this term includes asylum and subsidiary protection as well; it was adopted in accordance to the Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

Homonymy: the German term „Flüchtling“ has different meanings in Austria: on the one hand it means „refugee“ in the sense of the Geneva Convention, that is: it represents a certain concept with all characteristics listed in the Geneva Convention and which has been called „Asylberechtigter“ = „asylum beneficiary“ or „recognised refugee“ since 2005 in the Austrian Asylum Law; on the other hand the same term „Flüchtling“ means a person seeking protection in Austria independent of the state of progress of the asylum procedure.

Quality of Interpretation & Translation Qualification of Interpreters & Translators

- **No specific BA / MA program for court / community interpreters at university level**
- **Graz University: ULG Kommunal Dolmetschen**
- **Vienna University: within the framework of MA Program of Interpreting: module “Dialogue Interpreting”**

In the asylum setting most interpreters appointed by the authorities do not have any qualification as interpreters. Of course, this fact has a great impact on the quality of interpreting & translations in this field. In general lay interpreters are not prepared to do a comprehensive and systematic terminological research in order to prepare themselves for the interpreting job. Furthermore experience showed that even court certified interpreters and translators sometimes have problems with the particularities of asylum terminology concerning the specific meaning and inconsistent linguistic usage by the authorities' representatives.

University course in Graz aims at two target groups:

- practitioners without prior training who have experience as interpreters in medical, social, educational etc. settings
- interpreters with university training who want to specialize in the field of community interpreting

Lack of Specific Terminology Resources

- UNHCR glossary
 - EMN glossary
- BUT:**
- No specialized dictionaries on Austrian Asylum Law
 - No specialized termbases on Austrian Asylum Law
 - Lay interpreters & translators
 - Professional interpreters & translators

UNHCR – has initiated a training of interpreters in Sofia in 2003, collection of documents on “Interpreting in a Refugee Context”:

part of the documents is called „The language of asylum“ – is a word list which provides neither definitions nor contexts; it covers English, German, French and Bulgarian; there is no differentiation or comment on the use of German terms in Germany and in Austria.

EMN (European Migration Network) glossary: „The purpose of this glossary is *inter alia* to improve comparability between EU Member States through the use and common understanding of the terms and definitions contained herein. [...] The glossary is intended to serve as a useful reference document for EMN National Contact Points (EMN NCPs) and their national network members, as well as for other practitioners in the field of asylum and migration. [...] The purpose of the Glossary is to provide common definitions and understanding of terms in the field of asylum and migration which are then used, for example, in the formulation of queries and undertaking of studies according to common specifications by the EMN NCPs. The glossary shall also be used to develop further the EMN Thesaurus, the purpose of which is to permit the structured searching of documents within the EMN's Information Exchange System.

So, this glossary has a prescriptive purpose and does not consider or explain the existing differences concerning the varieties of German language.

So we DON'T HAVE any specialized dictionaries or termbases on AAL and this lack is serious given the situation described above.

Project Aims

- **Raising awareness of terminological aspects**
- **Promotion of consistent & correct usage of asylum terminology**
- **Access to domain specific and LSP information in the field of asylum matters**

Due to a shortage of qualified interpreters and to bad quality of translations and interpreting, the Austrian asylum authorities encouraged us to submit a project in order to create a special termbase on Austrian asylum terminology and agreed to cooperate in formulating definitions.

The project *AsylTerm* was conducted within the period from October 2007 to August 2008 by the Universities of Graz (Institut für Translationswissenschaft, ITAT) and Vienna (Zentrum für Translationswissenschaft, ZTW) in cooperation with the Austrian Asylum Authority (department of the Federal Ministry of internal affairs) and was financially supported by the European Refugee Fund and UNHCR.

The project aims were the following:

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Stages of Project Realization

- **Extraction of German terms**
- **Creation of database structure & implementation on database server**
- **Russian equivalents (“pilot target language”)**
- **Arabic, English, French, Serbian equivalents**
- **Extraction of additional German terms & Russian equivalents in order to continue the project**

The project was realized in five stages:

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Methodological Approach

- **German terms – descriptive approach**
- **Target languages – prescriptive approach**
- **Ad-hoc terminology work (translators, interpreters)**
- **No systematic comparison of legal systems due to**
 - **lack of time**
 - **lack of financial & personal resources**
 - **lack of comparable legal standards and proceedings in the target languages**

The methodological approach was the following:

German terms were extracted from the corpus and documented by definitions, contexts and usage notes

For the target languages the methodological approach was a prescriptive one in order to provide consistent translations in the target languages

Due to the lack of time, of financial & personal resources and comparable legal standards and procedures in the target languages we did what S.E. Wright called ad-hoc terminology work; that is the kind of terminology work typically done by translators and interpreters which means work on a limited set of terms in a specific domain, collecting basic information from the onomasiological point of view.

Corpus

- **Contents of corpus**
- **Manual extraction of terms**



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Imgard Soukup-Unterweger

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The corpus basically consisted of several texts asylum seekers are confronted with during the asylum procedure. The term extraction was conducted manually; because of limited temporal and financial resources an automatic extraction was not considered to be convenient.

Terms were extracted mainly from legislative texts (asylum law, aliens act, residence act); terms were extracted from decisions, protocols, applications and appeals as well; contexts and common synonyms were extracted from legislation texts and any kind of official information material, but also for example from the Geneva Convention, EU Directives, authoritative websites for example of NGOs, UNHCR reports etc.

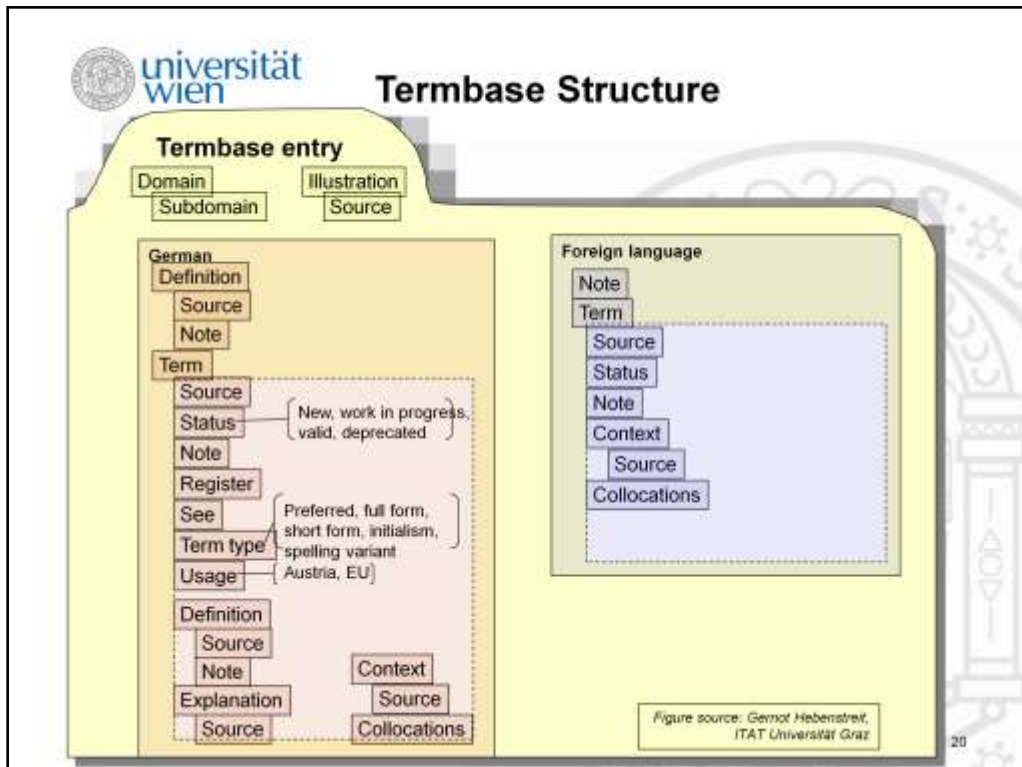
Monodirectionality

- **Definitions of source terms**
- **Translation suggestions for target languages**
- **Context examples for target terms**
- **No definitions of target terms**

Monodirectionality is expressed by the fact, that
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Termbase Structure



The termbase structure illustrates the monodirectionality as well ...

I would like to draw your attention to the different set of data categories in source and target languages

SDL MultiTerm Server

- **Commercial software**
- **Server based database**
 - **in use at ZTW (Vienna University) and ITAT (Graz University)**
 - **provision of collaborative workflow**
 - **changes & amendments in real time**
 - **language specific user roles & input models**
 - **MTOline – no need for client licenses**

collaborative workflow: at the same time

Project Team

- **Data modelling**
- **Server administration**
- **Extraction of German term candidates**
- **Target languages**
- **External asylum law expert**

Multiple tasks were conducted by several co-workers depending on their qualification and time resources

Translation suggestions, contexts and usage notes for the target languages were provided by practitioners

division of labour

Terminological Problems

- **Sources**
- **Lack of transparency (motivation) of German terms**
- **Ensuring target term structure consistency**

Sources:

we had two problems concerning sources:

one was the overlap of several levels of legislation: Geneva Convention, EU legislation, Austrian Asylum Law

the other was finding target language sources dealing with Austrian Asylum Law on the one hand, and target language sources dealing with target culture asylum legislation on the other hand

Lack of transparency:

Since the legal implication of the German terms „Asylantrag stellen“ vs. „Asylantrag einbringen“ is a different one, different terms have to be provided in all target languages as well; project staff had to a certain degree had to take arbitrary decisions, but had to motivate them by contexts, usage notes etc.

Consistency of target term structure:

for the formation of word combinations you have to use the lexemes you decided to suggest as equivalents for the simple source terms

Asylberechtigter – Status des Asylberechtigten – Zuerkennung des Status des Asylberechtigten (=Anerkennung als Asylberechtigter, Anerkennung als Flüchtling)

asylum beneficiary - asylum beneficiary status – recognition of asylum beneficiary status etc.

Termbase Roll-out

- **Translators' & Interpreters' Associations**
- **Austrian Asylum Authorities**
- **Austrian Asylum Court**
- **University departments**
- **NGOs in Austria**
- **UNHCR Office in Austria**

After the work on the termbase was finished we sent an information about it to

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<http://transvienna.univie.ac.at/forschung/projekte/terminologie-datenbank-fuer-das-oesterreichische-asylwesen>

Thank you for your attention!

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