



DIS 20228 - An ISO Standard on Legal Interpreting

Vienna, 31 March 2017



Why an international standard on legal interpreting?

This International Standard was developed in response to a worldwide and growing need to accommodate the interpreting needs of persons deprived of liberty, suspects, accused, defendants, plaintiffs, claimants, complainants, witnesses, victims, parties in different legal settings during spoken and signed communication as well as judicial stakeholders such as judges, lawyers, prosecutors, police officers, court administrative staff, notaries as well as private persons requiring interpreting services during communicative events related to the law.



What is a standard?

A standard is a document that provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose.

ISO definition



Introduction

Legal interpreting has become established as interpreting services provided by professionals.

There are various codes and standards for specific settings (e.g. for the police or in court) but they vary from country to country, and there are no universally agreed rules or standards for the provision of legal interpreting services.



Terms and definitions

Terms related to interpreting - modes of interpreting and persons involved

Terms related to language and qualifications

Basic principle of legal interpreting

Legal interpreting is a profession. It is not an informal practice such as interpreting performed by friends, family members, children, or other persons who do not have the competences and qualifications specified in this International Standard or who do not follow a relevant Code of Professional Ethics.



Nature of legal interpreting

Legal interpreting facilitates equal access to the law for all parties.

As a specialization of interpreting, legal interpreting facilitates communication between users of legal services who do not share the same language – either spoken or signed – for the purpose of ensuring effective communication.

It occurs mainly in different legal settings such as police stations, court rooms, lawyer's offices, prisons, etc. → Annex B

Legal interpreting can involve the transfer of signed, verbal and/or non-verbal messages in real time usually in both directions.

Nature of legal interpreting

Legal interpreting takes place between at least three participants:

- 1) a speaker of a language other than the language of service who needs to communicate with a speaker of the language of service;**
- 2) a speaker of the language of service who needs to communicate with a speaker of a language other than the language of service; and**
- 3) a legal interpreter.**

The work of legal interpreters

- **Legal interpreters engage in interactive types of communication that usually follow a bi-directional pattern.**
- **Legal interpreters are proficient in at least two languages (spoken or signed) and so are able to facilitate interpreted communication between two or more languages.**



The work of legal interpreters

- In their work legal interpreters usually work in a mixed mode switching between consecutive and simultaneous mode, with equipment when working with large groups or without equipment (chuchotage).
- Sometimes they work face-to-face and sometimes remotely using technology such as video or teleconferencing. Legal interpreters must adapt their working mode to the specific situation. → Annex D refers to some of the features.



2 distinct groups
of end-users of legal interpreting services:

Legal service providers who must be able to understand and communicate with the persons who are not sufficiently proficient in the language of service used in order to solve legal issues.

The speakers of the language of service used in legal settings must ensure the use of qualified legal interpreters in order to avoid delays in proceedings and errors/mistakes in communications.

2 distinct groups
of end-users of legal interpreting services:

Persons who are not sufficiently proficient in the language of service used in the specific legal setting and who need to communicate with speakers of the language of service in order to solve legal issues.
They can only have access to fair-trial standards when legal interpreting services of a sufficiently high quality are systematically provided.



Competences and qualifications of legal interpreters

Legal interpreters have competences based on domain expertise, professional practice and qualifications.

They also demonstrate a commitment to life-long learning.

They have comprehensive knowledge of the structure of the legal system(s) and administration of justice in the countries where their source and target languages are spoken.



Competences and qualifications of legal interpreters

They understand the relevant fields of law (substantive, procedural, criminal, civil, administrative, etc.).

They understand the roles of lawyers, judges, judicial officers, prosecutors, and interpreters.

(Judicial and other authorities as well as clients in general are encouraged to provide access to case-related and other reference materials in order to enable him/her to prepare for the interpreting service.)



Competences and qualifications of legal interpreters

They must have mastered the role of the legal interpreter (introduction, positioning, turn-taking, when and how to ask for clarification, as appropriate).

They must be able to work in various legal settings, situations, or conditions.



Competences and qualifications of legal interpreters

Intercultural competence

Legal interpreters shall be aware of and conversant with cultural differences and render these in their linguistic output, gestures and tone. Whenever necessary, legal interpreters shall bridge the cultural and conceptual gaps separating the participants.



Competences and qualifications of legal interpreters

Interpersonal skills

Legal interpreters shall have strongly founded communication and interpersonal skills because they must often contend with the great cultural and linguistic diversity of people, often in stressful circumstances, and in difficult settings. They shall be able to build rapport and to exhibit self-control and impartial behavior in all legal settings.



Competences and qualifications of legal interpreters

Technical skills

Legal interpreters should demonstrate the ability to use interpreting equipment (such as microphone, audio- and video-conferencing technology) that may be required for interpreting in a given legal setting (e.g. volume control, microphone etiquette).



Competences and qualifications of legal interpreters

Evidence of legal interpreting qualifications

Legal interpreters shall keep on file and produce on request evidence that attests to their qualifications (as appropriate under national regimes or legislation which governs legal interpreting)



Competences and qualifications of legal interpreters

Authorization as legal interpreter

Legal interpreters shall keep on file and produce on request evidence of his/her authorization as legal interpreter, including national authorization, accreditation, license or registration confirming the interpreter's right to provide legal interpreting services granted by a government, an inter-governmental or international organization, or a non-profit professional body.



Competences and qualifications of legal interpreters

Absence of criminal record and proof of security clearance

When required for particular assignments, the legal interpreter shall keep on file and provide evidence and/or comply with all relevant national or professional regulations concerning security clearance or criminal record checks.



Informative Annexes

Annex A: Non-exhaustive list of international and national documents

Annex B: Examples of settings in which legal interpreting services are provided

Annex C: List of legal settings

Annex D: Recommendations for interpreting mode

Annex E: Work flow – Legal interpreting assignments



Thank you for your attention.

Any questions?

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