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Awareness Workshop Protocols

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1 Introduction

The consortium partners organised a series of awareness-raising workshops in the spring and summer of 2019. The main goal was to inform legal professionals about the TransLaw project in general and, in particular, about the outcome of WS2 and the recommendation paper. The overall target attendance of 120 legal professionals was exceeded by far. Furthermore, some workshops were also attended by legal interpreters and students – a larger audience was thus reached and opportunities of discussion and exchange were created. The country reports are presented below.

2 Austria

For the Austrian awareness-raising activities, we chose a two-pronged approach: Individual meetings with high-ranking members of legal professions on the one hand, and a public panel discussion with legal professionals, legal interpreters and TransLaw researchers on the other. These activities were conducted from spring onwards, culminating in the panel discussion in September.

2.1 Workshop 1: Awareness raising – individual meetings

In a series of meetings with high-ranking multipliers from the judiciary, the police and legal professions, the Austrian lead researcher discussed the TransLaw project and related topics.

They then carried the information into their respective organisations, raising awareness for a far larger target audience. TransLaw was discussed at district and regional courts, at the meeting of Vienna court presidents, and in the Vienna police, as well as at the national level in the Austrian Judges' Association, the Austrian Association of Defence Lawyers.

2.1.1 Date and venue

The meetings were held throughout spring and summer 2019 at different locations.

2.1.2 Participants (number, gender and occupation)

Meetings were held with 10 people (5 women, 5 men) in leading positions in district and regional courts (court presidents and people in charge of judge training), the Austrian Judges' Association and the Austrian Association of Defence Lawyers, and the Vienna police force.

2.1.3 Main discussion points

The main points discussed were the following:

- The TransLaw project, its goals and activities
- Interpreting as an indispensable tool for ensuring a fair trial and the procedural rights guaranteed by the European Convention of Human Rights and Directive 64/2010/EU
- Interpreting quality and the need for qualified interpreters
- Languages in particular demand
- Further training

2.2 Workshop 2: Awareness-raising event “TransLaw – Sprache und Kommunikation im Recht”

For scheduling reasons, the panel discussion was held in September 2019, when a large audience could be reached. Legal professionals, interpreters, students and academics were invited, with invitations sent out to professional organisations (court interpreters, defence lawyers, judges), courts, and the Viennese police, and circulated at the University of Vienna.

2.2.1 Date and venue

The panel discussion was combined with the opening session of the TRANS 2019 Summer Academy in Translation Studies (23.-30.9.2019), whose topic was “Interpreting and Translating for Public Institutions”, to hold a full-day symposium at the House of the European Union, the EU Liaison Office in Vienna. The morning of 23 September was devoted to opening speeches and two keynotes, one on TransLaw and the other on the work of DG Translation.

This was followed in the afternoon by the panel discussion “TransLaw: Sprache und Kommunikation im Recht” (TransLaw: Language and communication in law), from 2.30 to 5pm.

2.2.2 Participants (number, gender and occupation)

There were approximately 75 participants, with an approximate gender split of 65% female – 35% male. More than half of them were Austrian legal professionals, legal interpreters from 7 countries (Austria, Bulgaria, Croatia, Montenegro, Poland, Serbia, Slovenia), diplomats, and academics; the others were students participating in the summer academy (29) and lecturers, including translators from DG TRAD and the Director General.

2.2.3 Main discussion points

After two brief presentations on language rights and the relevance of legal interpreting in Austria, the panellists – a judge, a defence lawyer, a court interpreter and a TransLaw researcher – and the moderator, a board member of the Austrian Association of Court Interpreters and former President of the European Legal Interpreters and Translators Association (EULITA), discussed the following issues:

- High-quality interpretation as a prerequisite for a fair trial and the evidentiary value of interpreted statements
 - o interpretation is provided in the service of justice, secures language rights for defendant
 - o translation of important documents required by Directive 2010/64/EU, sometimes only provided as sight translation
 - o some frequently used documents (summonses, cautions) are available as templates in

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- other languages
 - the language used in legal proceedings is highly complex; the defendant may not understand the legal terminology even when interpreted into their language - the process of interpretation is more than just transferring words from one language to another
 - problems when using *linguae francae* (e.g. English)
 - quality issues especially with interpretations for the police or police using English; videotaping of police interviews would be helpful both for the trial and for quality control
 - importance of visual input – both interpreter and judge need to see and observe body language; some legal professionals only look at the interpreter, missing a significant part of the answer
- Interpreting modes: use of simultaneous, in booth or as chuchotage, loss of information in long-form consecutive
- simultaneous interpretation much better than consecutive due to immediacy and less loss of information
 - can be done as chuchotage, which can sometimes be a distraction in the courtroom, or in booths
 - if done throughout entire trial, would require two interpreters taking turns, making it more expensive
 - switching between consecutive and chuchotage possible
- Impact of different legal systems on communication
- different seating arrangements: e.g. in UK interpreter sits next to defence counsel, in Austria often next to judge, sometimes even next to public defender – can give defendant distorted impression of interpreter's role/allegiance
 - need to explain certain concepts, such as probation – people sometimes misunderstand and think they've been acquitted because they're unfamiliar with the concept of probation – judge asks defendants to explain what their sentence is to ensure they've understood
- Impact of cultural factors on communication
- fear of saying “no” to an authority, hesitance to exercise their rights
 - sometimes hesitance rooted in cultural inappropriateness of saying “no” outright
 - more vs. less wordy languages
 - but: no summarising of statements of defendants/witnesses – hesitation, emphasis, insecurity, circumlocution, self-corrections must be interpreted, are relevant for determining the truth of the matter
 - explaining cultural phenomena where necessary for comprehension: expertise of the

interpreter as expert in transcultural communication

- Training and quality
 - o Joint training of interpreters and legal professionals, starting at university (transcultural law clinics)
 - o Improving working conditions and pay of court interpreters
 - o recommendations: decree of Ministry of Justice on how to conduct trials with interpreters, recommendations for interpreters by Austrian Association of Court Interpreters
 - o recently completed ISO standard 20228 on legal interpreting
 - o new certification procedure for court interpreters

The floor was then opened to the audience. There was particular interest in the Transcultural Law Clinic that would start four weeks later, the working conditions of court interpreters, and improving cooperation with legal professionals and the police.

2.3 Lessons learned

The two-pronged approach was successful, as the individuals with whom we met individually were able to spread information within their organisations. The format of a panel discussion worked well to attract participants, including from several ministries and organisations that had not been part of the initial round of meetings. A panel discussion has the benefit of making it possible to address a number of topics from various perspectives in a relatively short time frame and can serve as a good introduction to the topic. It can also be used to announce other events, such as more in-depth workshops, to the participants interested in dealing with the topic more in depth.

Overall, there was more interest from the interpreting community than the legal community, and the ministries who sent representatives sent interpreters rather than legal professionals, which may indicate that it was perceived as an event predominantly for interpreters. Future events of this kind might benefit from having a title that foregrounds the legal aspects, e.g. the right to a fair trial, procedural safeguards or the evidentiary value of statements.

3 Belgium

3.1 Workshop 1

3.1.1 Date and venue

April 08th 2019 at Supreme Court of the Netherlands, The Hague.

3.1.2 Participants (number, gender, and occupation):

- 35 legal professionals (judges, legal support workers, senior legal support workers).
- Gender: 50 % male and 50 % female.

3.1.3 Main discussion points

- Working with legal interpreters in the court room – explanation of the judicial setting with interpretation, the position of the parties.
- The main interpreting techniques: simultaneous interpretation and chuchotage; consecutive interpretation.
- The most important elements of the ethical code of legal interpreters – explanation of the new Belgian ethical code and its general principles, such as accuracy and completeness, neutrality and independence, confidentiality and professional secrecy, and continuing education.
- Role and competencies of legal interpreters with concrete examples.
- Intercultural and pragmatic awareness. Emphasis was placed on the interpreters' need to have a thorough knowledge of the two cultures involved as well as pragmatic competence in the two languages as a precondition for quality interpreting.

3.2 Workshop 2

3.2.1 Date and venue

May 2nd 2019 at Court of first instance, Antwerp.

3.2.2 Participants (number, gender and occupation):

- 45 participants including legal professionals (magistrates, lawyers, clerks), legal interpreters, interpreter trainers, legal interpreting students.
- Gender: approximately 65% female and 35% male.

3.2.3 Main discussion points

During a mock trial, the following points are directly or indirectly discussed:

- Working with legal interpreters in the court room – explanation of the judicial setting with interpretation, the position of the parties.
- The main interpreting techniques: simultaneous interpretation and chuchotage; consecutive interpretation.
- The most important elements of the ethical code of legal interpreters – explanation of the new Belgian ethical code and its general principles, such as accuracy and completeness, neutrality and independence, confidentiality and professional secrecy.
- Role and competencies of legal interpreters with concrete examples.
- Intercultural and pragmatic awareness. Emphasis was placed on the interpreters' need to have a thorough knowledge of the two cultures involved as well as pragmatic competence in the two languages as a precondition for quality interpreting.



3.3 Lessons learned

Legal professionals generally do not know anything about the main principles of legal interpreting, probably because legal interpreting was not dealt with during their training; they do not even know about the existence of interpreting studies. Hence the usefulness of educating them through concrete examples.

The organization of mock trials with the participation of students and legal professionals provides immense added value for the students, who can get a clearer idea of what reality looks like. The mistakes (that are artificially introduced into the role play) teach them to respond quickly and act assertively. Their contact with legal actors (who play their own role) is also good preparation for their later professional life.

Audibility and visibility of all parties should be improved.

4 Italy

4.1 Workshop 1

In order to be able to count on the largest possible number of participants, a single workshop was organised, covering both awareness raising and training. The drawbacks of combining the two were clear (a limited amount of time to deal with a variety of topics, making it very difficult to go into great detail), but organising two separate events on two different days would have led to a lower number of participants taking part in both.

Attendance was good. The close contacts with the local Criminal Bar Association were particularly fruitful, as the joint training workshop was included in the calendar of events to be attended by local lawyers in the framework of their CPD programme. As a result, a significant number of lawyers and trainee lawyers were present. No judges or prosecutors were present, though, but some of them have made known their willingness to attend similar events in the future (and one training workshop might indeed be organised in autumn).

The number of legal interpreters attending the event was almost as high as the number of lawyers. Again, this was due to close contacts with local interpreters, in particular those who were not trained as interpreters and attended a CPD course organised at the University of Trieste. Their participation may also be seen as a way for them to raise awareness of the specific features of their activity among the legal professionals.

The workshop was also attended by several interpreting students and a few law students.

The awareness raising workshop was also an opportunity to inform participants about the results of research work in the field of legal interpreting carried out over the past several years.

4.1.1 Date and venue

17 May 2019 - Department of Legal, Language, Interpreting and Translation Studies, University of Trieste - via Filzi 14, Trieste.

4.1.2 Participants (number, gender and occupation)

Legal professionals: 7 trainee lawyers (6 female, 1 male); 16 lawyers (9 female, 7 male).

Legal interpreters: 18 (15 female, 3 male).

Students: 9 interpreting students (7 female, 2 male); 3 law students (female).

4.1.3 Main discussion points

The first part of the workshop was devoted to the legal aspects of language assistance. The workshop opened with Prof. Mitja Gialuz illustrating the main features of Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. Cases from Italy and other EU member states were discussed. After the first presentation, Amerigo Cigana of the local Criminal Bar Association described three recent cases characterised by problems with language assistance. The goal was to show right at the outset that the workshop would concentrate on very concrete themes and examples.

Then, on account of the legal professionals' limited knowledge of interpreting, some time was spent on presenting the various interpreting modes (consecutive with and without notes, simultaneous and chuchotage), the procedure currently used to engage interpreters in the legal field, and UNI 11591, the Italian Standard for professional translation and interpreting which has been in force since 2015 and requires legal interpreters' competences to be certified at national level. The Standard could be used by the judicial institutions to select appropriately trained and qualified interpreters, thus contributing to the professionalisation of legal interpreting.

The issue of remuneration was also addressed. The court interpreters' fees in Italy rank among the lowest in Europe – as a result, trained professionals are not attracted to court interpreting and untrained interpreters working as court interpreters have little incentive to expand their knowledge and competences or improve their skills.

Mention was made of the situation in other countries and of the main lines of research being carried out.

Finally, the Recommendations drawn up during WS 2 were presented and discussed with the participants. Because of a delay in the printing process, the brochure entitled "Linee Guida. Come migliorare il lavoro di operatori della giustizia e interpreti" [Guidelines – How to improve the work of legal professionals and legal interpreters] was not available during the workshop and was distributed by the local Criminal Bar Association the following week (see pdf attached).

4.2 Lessons learned

The Awareness raising workshop was supposed to be addressed exclusively to legal professionals. As it was organised in connection with the Joint training, though, legal interpreters and some students were also present. The participation of legal interpreters is particularly significant – as most of them do not have any formal training or qualifications in T&I, they need to acquire awareness of the most delicate aspects of their activity.

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Strong points:

- most legal professionals were attracted by the legal aspect dealt with in the first part of the workshop;
- it was the first opportunity for legal professionals and legal interpreters to reflect on and discuss issues concerning the practice of legal interpreting;
- the organisers had the opportunity to raise awareness among legal professionals of the thorniest issues of legal interpreting in Italy, such as the need for professionalisation or the lack of courses training legal professionals to work with interpreters;
- the organisers also had the opportunity to inform participants about the legal interpreting situation in other countries and about research being carried out in Italy and elsewhere also with a view to finding solutions to the main problems;
- interpreting students participated with great enthusiasm and interest;
- participants expressed satisfaction with the initiative.

Weak points:

- the legal professionals were not particularly active and did not take the floor very often;
- no judges, prosecutors or court staff turned up, although information about the workshop had been disseminated well in advance and many had stated their willingness to be involved in the project. Some explained their absence with a clash of dates and expressed their wish to take part in similar events in the future, which is why the possibility of organising a further workshop in autumn will be explored.

The organisers were left with the feeling that legal professionals still regard language assistance as a mechanical operation exclusively based on language knowledge.

5 Slovenia

5.1 Workshop 1

Our first awareness-raising workshop was organised at the Faculty of Arts, University of Maribor, for members of Maribor's police department and lawyers from various lawyers' offices.

5.1.1 Date and venue

Date: 19.3. 2019

Venue: Faculty of Arts, University of Maribor

5.1.2 Participants (number, gender and occupation)

Number: 20 people

Gender and occupation: 6 police officers (1 female and 5 male), 13 lawyers (10 male and 3 female), and 1 judge (male)

5.1.3 Main discussion points

In the beginning of the workshop we wanted to illustrate how a person feels when he/she does not understand the language. Thus, the participants listened to a short speech in Russian by a native speaker, which was not interpreted. The speech was relevant to the TransLaw project. None of the attendees understood the language. The purpose was to enable the participants to experience complete lack of understanding and to relate to the situation people suspected or accused of crime who do not understand Slovene often find themselves in.

The activity was followed by a short discussion on the experience of police officers and lawyers with interpreting services. A list of short questions was offered as key points for a more fluent discussion (e.g. have you ever found yourself in a situation when you needed to interpret yourself? How long did it take before the interpreter arrived? Can you remember any situation when a person did not understand the interpreter, etc.). As an interesting case, we reminded them of a case from the European Court of Human Rights, which found Slovenia did not ensure a fair trial for a citizen of Lithuania, since the interpreting provided to him was in Russian. The Court found that the domestic authorities had never verified that Mr Vizgirda knew Russian well enough to conduct his defence effectively in that language.

Then, the main objectives and phases of the TransLaw project were presented. We particularly stressed the importance of the Directive of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings, the European Convention on Human Rights,

which states that every person is entitled to the free assistance of an interpreter if he/she cannot understand or speak the language used in court, and the legal clinic. We also presented the outcomes of the reports for the WS 1 and WS 2.

We focused on the results of the second interviewing phase and the plans for the implementation of the transcultural law clinic at the University of Maribor as an elective course.

The workshop was concluded by a short discussion on the participants' opinion on the main objectives and goals of the TransLaw project.

5.2 Workshop 2

The second awareness-raising workshop was organised for legal professionals, lawyers and apprentice lawyers at the Faculty of Law, University of Maribor.

5.2.1 Date and venue

Date: 12.4. 2019

Venue: Faculty of Law, University of Maribor

5.2.2 Participants (number, gender and occupation)

Number: 20 people

Gender and occupation: 20 lawyers (10 male and 10 female)

5.2.3 Main discussion points

We began by asking the participants to form small groups and write three positive and three negative things they could recall from their work with interpreters. The issues raised were then discussed. Among positive things the participants stressed quick response, high language efficiency, and pleasant and friendly attitude. Among negative things: lack of interpreters for certain languages (e.g. Chinese and Arabic), lack of knowledge of legal terminology, and lack of preparation for the case. The participants also agreed that sometimes due to cultural differences or linguistic differences, the interpretation may take longer than the original speech, and the interpreter may ask the suspect sub questions.

The main objective and phases of the TransLaw project were presented. We particularly focused on recommendations for legal professionals, which were a part of the outcomes of WS 2. The participants found the recommendations useful, especially the part in which it is recommended to provide the interpreter with some information about the case prior to interpreting.

In the second part we asked the participants what they would expect from interpreters to improve

communication and make it more fluent. Most participants outlined the issue of trust between the legal professional and the interpreter as an important element. We also discussed the problem of changing interpreters in the middle of the trial, which sometimes happens, and what consequences it usually has for all participants.

In the end the implementation of the transcultural law clinic at the University of Maribor as an elective course was discussed. Most participants found this idea useful and interesting and expressed a wish to cooperate.

5.3 Lessons learned

The participants expressed interest in being further informed about the outcomes of the TransLaw project, especially about the 4th workstream.

The police officers expressed a wish for more of such events to be organised. They shared that this was the first event which focused on the importance of interpreting and translating services they were invited to attend. They found the experience very useful, since they usually cooperate with interpreters in highly stressful circumstances, and anything that may improve this collaboration is much welcomed. They often communicate with interpreters in extremely stressful circumstances and lack any feedback from interpreters. None of the participants had ever attended a similar event before.

The legal professional outlined that it was useful to discuss needs and especially stress accompanying conditions in which legal interpreters have to work, and agreed that the state should take better care of legal interpreters. They also expressed interest in attending further similar events which help to make the communication easier, less stressful and which enable the development of patience and understanding.

A transcultural law clinic would be a valuable addition, as it would actually enable quicker and effective help, in both interpreting and translating. Police officers expressed certain restraints concerning students interpreting at the police station due to a specific, very stressful and sometimes potentially dangerous setting. Legal professionals did not have any problems with considering students interpreting in the office or translating the documentation.

6 Summary

While the workshops were organised along different lines and with different structures in the four countries, the partners are satisfied with their outcomes. Appreciation was also expressed by the participants, in particular legal interpreters and students but also by legal professionals, who were the main addressees of the workshops. Some, however, found legal professionals not particularly active or involved. This is something to be taken into account when organising similar events in the future – ways should be found to attract legal professionals, stimulate their interest and their active participation.

Mock trials and panel discussions were mentioned by two partners as being especially useful and productive. Whatever the activities actually chosen and carried out in events of this kind, however, it should be stressed that there is a great need for awareness raising and or the direct involvement of the parties concerned – legal professionals, legal interpreters and students, i.e. the future legal professionals and interpreters, should have opportunities to meet, be informed and participate in a *mutual* awareness-raising exercise for the benefit of the current and future legal interpreting practice. The workshops organised by the partners were a step in that direction.