

Spoken Language Interpreting: The Need for Regulation

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Ollscoil Chathair
Bhaile Átha Cliath
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Sign language v spoken language

Sign language interpreters:
Centre for Deaf Studies at
TCD

Irish Sign Language Act 2017
Register of Sign Language
Interpreters (risli.ie) + code
of conduct + CPD

Spoken language
interpreters:

No accredited training
course/ regulatory body/
accreditation/ register



The Law

- Irish Constitution Article 38.1 No person shall be tried on any criminal charge save in due course of law.
- European Convention on Human Rights + ECtHR case law
- European Convention on Human Rights Act 2003
- Charter of Fundamental Rights of the EU (2012) Art 47 right to a fair trial
- Directive 2010/64/EU right to translation and interpretation in criminal proceedings
- SI 564/2013 Garda Regulations
- SI 565/2013 Regulations (Courts)
- Directive 2012/13/EU on the right to information in criminal proceedings
- EU Victims Directive 2012/29/EU
- Criminal Justice (Victims of Crime) Act 2017



2015 request for tender

Interpreters: either

- (i) native English speakers with a recognised academic qualification in the language concerned or
- (ii) native speakers in the language required with a recognised academic qualification in English.



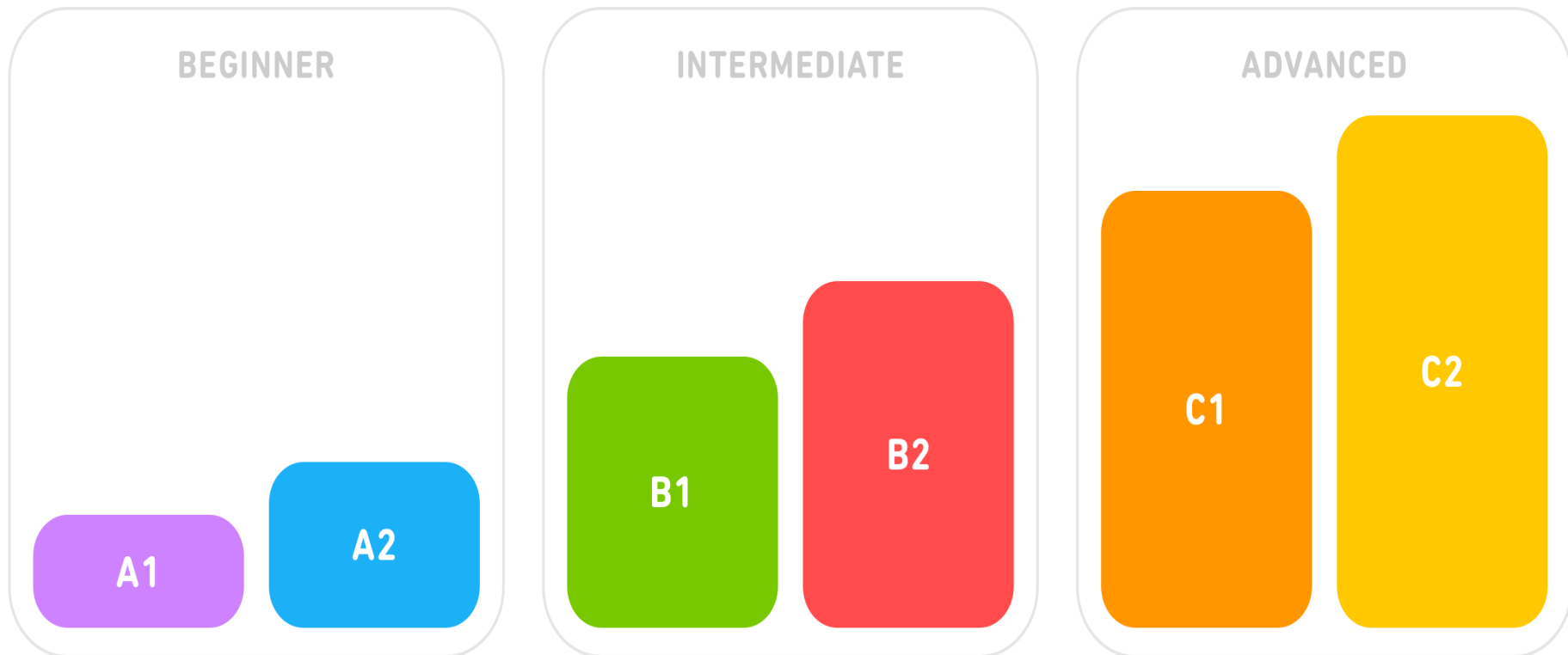
DPP v Savickis [2019] IEHC 557

(j) The 23 year old Garda Station interpreter ‘had no training or qualifications in the provision of interpretation or translation services, either generally or in the context of the criminal justice process. She was educated in ordinary level English at secondary school in Lithuania.’



2020/22 rft: Common European Framework for language CEFR levels of English

CEFR LEVELS



- Interpreters for top 10 languages in each setting will be expected to hold at least level C1 [proficiency] in English
- Interpreters for all other languages in each setting will be expected to hold at least level B2 [intermediate] in English



ISO standard 20228:2019 Legal Interpreting

5.2: Legal interpreters shall have the ability to **convey a message from the source language into the target language** (whether spoken languages or sign languages) in an interpreting **mode** appropriate for a given legal setting. They shall **accurately, faithfully, and impartially interpret** the substance of all statements **without any additions, omissions, or other misleading factors** that could alter the intended meaning of the speaker's message. Legal interpreters shall maintain confidentiality of the information that they are party to during assignments unless disclosure is required by law or by a court order. [...]. Such mastery involves **consecutive, simultaneous, and whispered simultaneous** interpreting as well as **relay interpreting** along with **sight translation** and the support techniques such as **memory skills, note-taking, and stress management**.



DPP v HM and BO (Court of Appeal, 2021)

Counsel: Would you hurt her?

Interpreter: Do you hate her?

Defendant: No

Counsel: Would you let anybody else hurt her?

Interpreter: Would you allow anybody else to hate her?

Defendant: No

Counsel: Did you ever let anybody else hurt her?

Interpreter: Have you ever hated someone?

Defendant: No



DPP v HM and BO (2021)

Counsel: Would you agree with me that it's extremely unusual, to the point of not being possible, that a 21 month old child would be able to walk backwards or move backwards away from you like that?

Interpreter: Do you think, can you accept with him that it is really something unusual for a 21 year old child to leave, to run away because of that?

Defendant: I respect your opinion, but I am saying what I saw that day.



DPP v HM and BO (2021)

88. The appellants were entitled to expect that the jury would not simply receive “the gist” of what he was saying, but rather that they would get to assess his credibility and reliability based on his exact responses to questions asked of him, including nuances arising from the precise phraseology of questions asked and answers provided.



What needs to be done?

Move away from idea that any bilingual person can be a competent interpreter

Accredited university level training courses for legal interpreters + CPD

A regulatory body

A register of qualified interpreters

Improved remuneration

Sharing of information before trial e.g. book of evidence

Independent checking of a percentage of video/ digital audio recordings

Team of two interpreters for longer trials

CPD training on how to work effectively with interpreters



Thank you for listening

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