
INTERVIEW OF LIESE KATSCHINKA, FORMER PRESIDENT OF EULITA (EUROPEAN LEGAL INTERPRETERS AND TRANSLATORS ASSOCIATION)

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Liese Katschinka, on behalf of the Executive Committee of EULITA (European Legal Interpreters and Translators Association) warmly welcomes the opportunity to be interviewed for *FITISPos International Journal*, Volume 4, focused on translation and interpreting in legal settings. What follows is the result.

The EULITA Executive Committee selected some of the interviewer's questions to draw up a general opinion on what it regards as the most striking points concerning differences and similarities between public service interpreting and legal interpreting and translation. Fundamental to this is an understanding of where our interests coincide and where each excludes the other, and it is therefore crucial to define the differences as well as the likenesses of each.

It is well known that Legal Interpreting and Translation (LIT) first emerged into general consciousness just after World War II during the Nuremberg Trials, and principles of impartiality and consistent use of terminology were central to the delivery of justice and the acceptance of that justice by the watching world.

Since then the need for trained, skilled and professional Legal Interpreting and Translation services has increased steadily, with LIT itself now recognised as a career choice, with a proliferation of training courses to first degree level and beyond. The attractions of such a worthwhile career are self-evident, even if client cost limitation and

its consequences for pricing are less attractive, with prices currently under constant and downward pressure, notably in the world of Public Service Interpreting (PSI). It is the view of EULITA that this market approach undermines the principles of professionalism and raising standards, which are central to our shared ethos.

Post-war re-alignments in social cohesion and subsequent demands of industrial or manufacturing globalisation, as well as the rise of the flow of refugees from the world's trouble spots led to major population shifts in North and Central America, southern Europe and from many regions in Africa over many years, and continues to this day, notably involving refugees fleeing areas in Africa and the Middle East affected by war and violence. Political instability and persecution of minorities have both added to the burden, with other parts of the world also generating their own refugees, such as China and Tibet.

All this has brought many challenges to the host cultures, and particularly in respect of verbal communications between host cultures or societies and those seeking refuge. It is no surprise that what is now known as Public Service Interpreting has expanded massively, alongside more commercial demands for language services. This explosion in demand has often blurred the lines between what is true PSI work and other specialisations which cross over into PSI territory.

Questions have been asked as to the degree to which LIT work is to be considered PSI. Certainly, to an uninformed observer there is little distinction, but even a brief analysis can distinguish that such conclusions are erroneous.

Firstly, there is the matter of qualifications, which tend to be demanding for LIT work, with extensive continuous professional development (CPD) in specialist areas. LITs can attend a wide range of CPD activities, and links with allied organisations such as the European Criminal Bar Association or Fair Trials Europe emphasise the specialist nature of LIT work. Along with the call for high quality, as expressed in EU Directive 2010/64, the concept of fair trial is a crucial feature of LIT work, and erosion of quality standards places that fairness at risk. Nevertheless, general principles of code of ethics apply to both LITs and PSIs, even if the protocols for delivering LIT services differ from the protocols for the provision of PSI services. A different strategy is needed when sitting in an office interpreting for an applicant for social housing, say, compared to the language register required when interpreting in a court, in front of a judge, other legal professionals, and a jury.

There is considerable volume of LIT work which has no links at all with PSI, notably in civil litigation, arbitration and international legal affairs. From the local individual who is buying property for holidays in another country, to major companies litigating in, say, insurance or other trading matters where a qualified and experienced LIT is essential, yet there are no links with criminality.

The differences are emphasized in separate ISO standards, where it is reasonable to infer that LITs and PSIs are parallel and distinct rather than intertwined. They are certainly not subordinate one to the other. In fact, the planned development of an ISO standard on medical/health interpreting will create a further specialised standard for an interpreting activity that used to be regarded as part of PSI. LITs need different qualifications than PSIs, i.e. more formal training, as well as formal admission to the LIT profession in many countries. In spite of many academic efforts, PSI – or rather Community Interpreting which is the term used in ISO 13611 (Guidelines for Community Interpreting) – continues to evoke the image of an informal activity. LIT materials and documentation have proliferated in recent years, leading from the EU Reflection Forum

on Multilingualism and Interpreting Training to EU Directive 2010/64¹. The earlier Universal Declaration of Human Rights² requires a fair trial, and the subsequent European Convention of Human Rights and Freedoms (1948)³ underlines this in Articles 5 and 6. It is difficult to see LIT as being anything other than separate and distinct from PSI, given the weight of such an argument.

There are differences in practice too. PSIs are more often recruited through an intermediary, usually a commercial agency, and LITs are usually engaged through direct contact from a national and/or regional register, or through the national professional body.

Many LIT aspects are still influenced and controlled by national or country-specific legislation, but the LIT Search project has driven cross-border cooperation on this matter, and a European LIT database will undoubtedly be established at some point for use in the e-Justice portal. Such a database will include professionals who are LIT specialists. Undoubtedly, though, many LITs also work in the PSI arena, and therefore have further competencies and qualifications, which need be recognised under a different regime.

There are common areas too. Both LITs and PSIs are linguistic and intercultural mediators, and are faced with the same threats from machine translation. Both need training and awareness in consistent use of technical terminology, so use of databases and other online resources is essential.

It is likely that the passage of time will drive the differences rather than reduce them. We believe that the demands of the market will require deeper specialist training both for PSI and LIT. This presents a challenge which EULITA and ENPSIT must rise to, and cooperation is therefore highly desirable.

April 2017

¹ “Directive of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings”.

² Universal Declaration of Human Rights, Article 10; “Everyone is entitled in full equality to a fair and public hearing”.

³ ECHR, Article 5, section 2: Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him. Article 6, section 3. Everyone charged with a criminal offence has the following minimum rights: (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him. (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.