

BUILDING MUTUAL TRUST:
A FRAME WORK PROJECT FOR IMPLEMENTING EU COMMON STANDARDS
IN LEGAL INTERPRETING AND TRANSLATING

The right of access to a competent interpreter and translation of key documents for suspects and defendants is stipulated in Article 5 (2) of the ECHR¹ and linked to the right to a fair trial (Article 6).² This right is also stipulated in Article 14 (3) of the ICCPR³ and Article 55 of the Rome Statute⁴ and has been implemented by the member states of the EU under the Maastricht and Amsterdam TEU treaties and The Hague programmes. The 2004 proposed Frame Work Decision also reiterated the importance of shared training and accreditation systems to promote mutual trust and to support the Principle of Mutuality; while the decision itself has not been implemented, its emphasis on the importance of shared training and accreditation systems in promoting mutual trust between the legal systems of member states continues to be valid for both criminal and civil legislation in the European area.

Methodologies for promoting equivalent standards for Legal Interpreting and Translation (LIT) throughout the member states were formulated and disseminated by the two Grotius Projects, 98/GR/131 and 2001/GRP/015 and the AGIS project. This work has been further supplemented by a Questionnaire on the Provision of Legal Interpreting and Translation in EU Member States⁵ carried out with AGIS funding. A clear trajectory from initial mapping of the task to detailed exploration of methodologies and goals and an initial legislative framework can thus be identified; this project represents the latest

¹ *Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and the charge against him.*

The European Convention on Human Rights, Rome 4 November 1950

² *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; ibid

³ *3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;*

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court

ICCPR 1966

⁴ *Shall, if questioned in a language other than a language the person fully understands and speaks, have, free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness;*

Rome Statute Article 55 Rights of persons during an investigation

⁵ Status Quaestionis: Questionnaire on the Provision of Legal Interpreting and Translation in the EU, Hertog, E and Van Gucht, J, Antwerp 2008

stage in this trajectory and builds directly upon work undertaken previously. A requirement exists for the development of competence descriptions, guidelines, materials and tools for the training of legal interpreters and translators and for assessment of equivalent standards, both for LITs and for training programmes. It is also essential to provide education for those working in and responsible for legal systems to ensure acquisition of the necessary understanding to accommodate LIT.

Building on the recommendations of the two Grotius projects, this project aims to contribute to the establishment of recognised and EU consistent training and assessment of LITs through the following actions:

1. Development of training materials for trainers of LITs and for legal practitioners working with LITs for dissemination and use in member states, including
 - 1.1. sample lesson plans and exemplary training syllabuses to initial professional (undergraduate) and postgraduate levels (face to face and distance mode)
 - 1.2. guidelines on the establishment and maintenance of training courses for LITs including liaison with external institutions and multidisciplinary input
 - 1.3. CPD guidelines, in-service, refresher and conversion course outlines for LITs and other linguists wishing to enter the profession
 - 1.4. an online resource bank offering access to the above for LIT's and legal practitioners working with LITs in member states
 - 1.5. uniform selection criteria for trainees, assessment tools and assessment standards for trainee LITs
 - 1.6. building on the achievements of the e-europe initiative, introduction of training tools for distance learning, including development and/or testing of learning platforms, online delivery of training and internet conferencing
 - 1.7. testing of materials developed through trial training programmes at selected partner institutions, also allowing for student mobility between member states
2. Establishment of a corpus of materials for the training of LIT trainers for dissemination and use in member states, including
 - 2.1. Training of trainer course outlines
 - 2.2. Selection criteria and tools, assessment materials and assessment standards for LIT trainee trainers
 - 2.3. Establishment of intra- and inter-state mentoring links for trainers allowing for sharing of good practice and problem-solving expertise
3. Dissemination of the above via
 - 3.1 setting up of a project website and online materials bank
 - 3.2 publication in book form of the results of the project
 - 3.3 final seminar on the training of trainers and establishment of an EU LIT trainers network