

# Improving the quality of legal interpreter training and the recruitment of interpreters through intensive orientation courses and the implementation of a register: the LEGAI project at the University of Bologna

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## 1. INTRODUCTION

This paper describes two strands of the LEGAI project (Legal Interpreting in Italy: Training, Accreditation and the Implementation of a National Register), a project that was initiated over a decade ago by this author at the Department of Foreign Modern Languages (now LILEC) at the University of Bologna (also collaborating with the University of Palermo) as an attempt to identify the enormous gaps in the provision of language and interpreting services for migrants in the realm of public services, to suggest possible but also realistic avenues of change taking account especially of budget and structural constraints, to create constructive bonds of collaboration between the University and the local institutions in Bologna, and to implement training and other activities that can effectively improve access to public services for migrants and the quality of the services that enable this access in our local area. The underlying premises of this project, at both the humanitarian and academic level, are the following:

- the desire to improve access to justice, health and education for people who otherwise are in effect unable to access very basic services that are guaranteed by the Constitution;

- to empower those working as ad-hoc interpreters in this area without the necessary training or qualifications and often driven by an intense sense of service towards their co-nationals and towards the Italian institutions;
- to improve the level of legal and community interpreting in our local area;
- to contribute to the improvement of security for the wider local community, not just the migrants', through an improved interpreting service (a reliable interpreting service protects the community by helping the police forces and courts establish facts both in the investigatory phases of police work and in court proceedings on matters crucial to public safety such as terrorism, human trafficking and narcotics smuggling in which non-Italian speakers are often involved);
- to collect data or research proposals on interpreter-mediated communication;
- to strengthen the teaching of language mediation and interpreting for public services at our University.

Recently, the costs borne in the EU to provide legal translation in criminal proceedings involving a non-national have increased ( $\pm 10\%$ ), while the need for legal translation is bound to increase significantly, due to the growing mobility of EU citizens, globalisation and the implementation of Directive 2010/64/EU.

The project will contribute to achieving common minimum standards of procedural rights in criminal proceedings and will monitor the typical work environment of legal translators involved in cross-border cooperation in criminal proceedings. Measures aimed at promoting mutual trust – in turn based on reliable communication – have to be taken. The ultimate purpose is ensuring cost-effective criminal proceedings in the EU courts guaranteeing the rights of suspected and accused persons.

The project has had numerous tangible outputs, such as numerous national and international conferences (including the various EULITA conferences) and seminars, collaboration with local police forces and magistrates, numerous publications (see references below), including a Handbook for legal interpreters and for those working with legal interpreters (still in press; the first of its kind in Italy), collaboration with foreign universities and institutions (in particular the University College of Oslo and IMDI, the Norwegian Directorate for integration, and more recently the University of Antwerp through the DG-Justice funded TraiLLD project of which LILEC is a Partner), and contact – with potential for future collaboration – with various local NGOs, voluntary and charity organizations (Caritas, Piazza Grande). The project is ambitious and wide in its scope, but starting at the local level in the city of Bologna we hope to be able to contribute tangibly to the improvement of services in our city. The collaboration between local institutions and Universities is crucial for the success of this project in that we are able to combine the skills and competencies of academics in the field of translation and interpreting and the skills, competencies and decision-making power of public institutions (police forces, courts and legal administrative bodies).

The final aim of the LEGAII project is thus to meet the very urgent needs of the local legal institutions, of the non-Italian speaking migrants (the primary players and the most disempowered players in this communicative event) and the wider community in Bologna in their need for a safe, reliable and efficient interpreting service at their local police and courts in matters ranging from stalking, bag snatching and burglary to human trafficking and prostitution, drug smuggling and terrorism. Although the project was initiated in the late 1990s, it has gained impetus over the last two years as a response to the EU Directive 2010/64/EU, as discussed by numerous other co-authors in this volume.

Interpreting services have to be fully understood as an instrument to improve communication between migrants and the host society, to safeguard the basic rights of non-Italian speakers and their access to legal services, to further a positive integration process and encourage active citizenship.

The three main strands of the LEGAII project that have either been implemented or are about to be implemented are:

- a 120-hour training course for interpreters working in the courts and for the police or other legal services without adequate training or qualifications;
- an intensive weekend training course for the same target;
- a simplified register/database for the same target.

## 2. THE SITUATION IN ITALY

Preliminary studies and pilot studies carried out by members of this project (Rudvin/Spinzi 2013 and Garwood/Preziosi 2013) have demonstrated a dire need for vast improvements in interpreting services for non-Italian speakers accessing legal services: in 2009, 32% of sentences involved non-Italians, 36.7% of the defendants were non-Italians as were 45% of those detained in prisons – suggesting that non-Italians tend to have more difficulties in accessing those services that allow defendants to spend their pre-trial period outside prison (IDOS 2012; ISTAT 2012).

The recruitment and training of interpreters working in this sector is based largely on ad-hoc measures that do not provide adequate interpreting and translating quality. We find that the ad-hoc recruitment of people utterly unsuited for and untrained in this profession can – and has, as a number of spectacularly tragic cases have witnessed – lead to drastic miscarriages of justice.

In Italy there is no system of certification or accreditation for the interpreters who work in the country's courts. Nor are there any guidelines to instruct the courts on how to select and work with these interpreters. The result is an arbitrary system in which legal professionals and court administrators take decisions about linguistic matters they have no training in and little or no knowledge of. The interpreters they choose and give instructions to are often at

best just bilinguals with no training in interpreting, let alone court interpreting. These interpreters learn “on the job”, deciding in almost complete isolation how to deal with the many problems they face. However conscientious and able these interpreters may be, they are rarely the “appropriately qualified” interpreters required by Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings. Often they do not even know the three basic interpreting techniques used in court interpreting.

In Europe there are no formalised training schemes for court interpreters to work at national courts, notwithstanding the several university programmes and projects supported by the European Union. The interpreting profession itself is often undervalued by national courts, which are not aware of its scope and potential. Although the recent developments in the EU (Directive 2010/64/EU) lead us to hope that Italian legislatures will implement measures to improve these services and safeguard legal rights for non-Italian speakers, this has not happened to date.

The rest of this paper will describe strands 2 and 3 of the LEGAI project, namely the weekend Orientation courses for legal interpreters and the interpreter Register.

### 3. TRAINING ORIENTATION COURSES

We have so far conducted 4 intensive training Orientation courses for interpreters who are currently working in the legal area – mainly for the police, for refugee services and tribunals, and for the courts – but who do not have the necessary training or qualifications.

The courses, with 20 to 25 participants each, were conducted partly at weekends (Friday-Saturday) to enable participants to attend without having to forego their regular jobs and publicized through various channels but mainly through legal institutions, associations of “language and cultural mediators” and through academic networks. The first two courses were held at University premises (Bologna and Misano-Adriatico in 2011), and the third and fourth courses (Gorizia and Naples in 2012) at premises provided by the police forces. The two latter courses were organized with the invaluable assistance of two legal interpreters employed by the Ministry of the Interior. The prerequisite for attending the course was working experience (for an unspecified length of time) as an interpreter or “language mediator”. The courses were free of charge, an important prerequisite in a country where legal interpreters earn between 4 and 8 euros an hour, with no expenses covered.

This author participated as an observer in a similar training course in Oslo run by IMDI, the Directorate for Integration ([www.imdi.no](http://www.imdi.no)) and specifically by Leonardo Doria de Souza and Mona Myran, during her 3-month sabbatical period from the University of Bologna in 2010. Although the courses in Italy had already

been planned before attending this course, there are many similarities between the courses and it was useful to us to see a similar course in action in a different country. We are grateful to Mr. De Souza, Ms. Myran and Hanne Skaaden from University College, Oslo, for allowing us to observe their training programmes.

The participants spanned a large number of countries, continents and languages with the highest representation from the Maghreb and Eastern Europe but also numerous other African and Asian countries. Arabic – and this fits in well with the statistics for languages spoken in Italy and for migrants to Italy over the last decades – was by far the most frequent native language, followed by Romanian, Moldavian, Russian, Ukrainian, Chinese, Pidgin English, Bangla, Wolof, Swahili, Tagalog and Punjabi.

We believe – on the basis of research surveys we have conducted as a team and with our thesis students – that our participants are a perfect sample of the legal interpreting “profession” (if one can call it such; this issue will be addressed briefly in the concluding remarks) across Italy – not only spanning a wide range of nationalities and languages, but of levels of competence ability, length of working experience and, most significantly, training and qualifications.

There is as yet no provision of legal interpreter training for these languages in Italy, and none of our participants had degrees in legal interpreting from abroad. Some had degrees in modern languages, either in Italy or abroad, or in law, and some had degrees either in Italy or abroad in other subjects that were completely peripheral to interpreting or translating, such as chemistry or engineering. Some had only a high-school leaving certificate.

The course was divided into five main modules covering theoretical and professional aspects (the profession outside Italy, the emerging profession in Italy, codes of ethics, etc.); key notions of discourse analysis; interpreting-specific theory and techniques (including a very brief introduction to note-taking), legal terminology in Italian, and practical exercises in single-language groups.

Obviously, such a brief course does not provide in-depth knowledge or skills, certainly not at the level required by the Directive, but is a valuable, albeit small, contribution not only to the knowledge level of our participants but to raising the awareness of this important issue in Italy among interpreters and service providers in the legal sector.

Through direct comments at the end of the courses and a questionnaire (which unfortunately received few responses) we received highly positive feedback from the participants. The positive feedback ranged from the contents of each module (especially the code of ethics, legal terminology and practical exercises) to the sense of feeling part of a wider community of legal interpreters/language mediators sharing the same frustrations (lack of training, organization and accreditation) and problems (especially low pay). The participants all expressed a very strong desire to attend more of these courses at the next level.

#### 4. THE REGISTER

The LEGAII project is also about to embark on a piloting phase for a Register for legal interpreters, initially in three Italian cities (Bologna, Perugia and Gorizia) as a step in improving language services in the legal sector for public institutions and for non-Italian speakers and to improve recruitment procedures for interpreters, attempting to mitigate somewhat the glaring weaknesses in the current recruitment procedures of interpreters mentioned above, leading to potential – and actual – miscarriages of justice of a very grave nature. We also hope that the Register will function as a model for local policy-makers.

The creation of a national Register for language mediators and interpreters working in public services is an explicit requirement in the Directive 2010/64/EU as is the requirement for interpreter training, and enables legal and other institutions to recruit such interpreters safely in the knowledge that people working in these extremely delicate and essential services are adequately trained: “Member States should facilitate access to national databases of legal translators and interpreters where such databases exist. In that context, particular attention should be paid to the aim of providing access to existing databases through the e-Justice portal, as planned in the multiannual European e-Justice action plan 2009-2013 of 27 November 2008” (point (31) of the Directive). The Register is being created, tested and used in collaboration with local legal institutions (especially the local police forces and courts) and, as far as it is possible, is being set up in accordance with a EULITA project that is currently underway to create standards across the EU for an interpreter database (LIT Search – Pilot project for an EU database of LIs).

The Register will be made available online, initially through the University server in a trial period and eventually to be moved onto the local institutions’ servers so that they can coordinate the recruitment procedures autonomously, as befits such a service. The Register has focused specifically on what we have seen – through a decade-long market research period – to be the weakest spots and the major flaws in the current recruitment system in Italy, namely the lack of transparency in the interpreters’ skills and competencies, and the need for interpreters from outside the main European languages that are available in Italy and taught at university level: primarily Arabic, and also Rumanian, Ukrainian, Moldavian, Bangla, Punjabi/Hindu/Urdu, Tagalog, Amharic, Tigrinia, pidgin English and many others. The Register has a very user-friendly platform, thus avoiding creating a psychological “technology barrier” for those not familiar with more sophisticated databases. The page will be accessible, at present via the University server, to all public legal institutions that wish to use it, through a simple password. A court clerk or police officer will be able to use one of the three search functions (language, country or interpreter) to find the language combination s/he requires or to find an interpreter s/he has already worked

with and would like to use again. The main languages for each country have been inserted in the list (evaluating a statistically realistic cut-off point so as not to provide an endless list of languages for each country) so that for each country there is a list of 1-x languages, and for each language a list of 1-x countries in which that language is spoken. We have included the “country” search because our research tells us that a clerk or police officer might know where a client comes from but not necessarily the language(s) s/he speaks. We have also included a word of caution on the use of a lingua franca (especially Arabic, English, French and Spanish) in choosing an interpreter for the required language combination.

The main weakness of the Register, a weakness that reflects a major systemic flaw in the system as a whole, is the lack of training and accreditation (as discussed above), which our training courses are aiming in a small way to compensate for. Our research has shown that although the interpreters working in courts, refugee tribunals, detention centres, police stations and other legal institutions across Europe may have no training in interpreting, translation or modern languages, some of them have degrees in other relevant subjects (such as law) or in non-relevant subjects (such as engineering or chemistry, suggesting a high level of analytical ability), others have years of experience as interpreters (or “language mediators” as is common in Italy) in various sectors and others again have years of experience as interpreters in the legal sector despite their total lack of qualifications. Research has shown that there is an enormous range of competencies (as in ascertained qualifications through formal studies), skills (learnt on the job or through other training courses, or through “language mediation” courses taught by NGOs or local government institutions), the level of language competence (Italian and their second and third working languages) and their command of legal terminology. Precisely because of this lack of training and accreditation in Italy we aim for as much transparency as practically feasible and compatible with a user-friendly platform and we give interpreters the opportunity to provide information about their non-interpreter qualifications and training and their past experiences.

One of the strengths of this Register, we believe, is that it provides a simple user-friendly channel through which to improve – and make safer – the logistics of interpreter recruitment. By including local stakeholders in the programming phase we are strengthening the collaboration between academia and local institutions, responding directly to their language needs and thus harnessing the skills that the University is able to provide with the competencies and expertise of the public institutions in order to serve the needs of the latter and of the non-Italian speaking communities. The importance of creating a positive, collaborative relationship with the local stakeholders (where they can insert their own interpreters in the Register for example) rather than consolidating the current distance and lack of communication, is a *sine qua non* for the LEGAII project.

## 5. CONCLUDING REMARKS

The LEGAII project sees interpreting services as an instrument to improve communication between migrants and the host society, to safeguard the basic rights of non-Italian speakers and their access to legal services, to further promote the process of positive integration and to encourage active citizenship.

The training package offers interpreters the opportunity to train, to become skilled professionals, to increase their status and visibility through a national register, and thus to empower them significantly through increased access to employment in the national and European labour market. The Register, in which the newly-trained interpreters will be registered, safeguards a more secure and less casual and ad-hoc recruitment format providing a concrete tool to improve a situation that as of today does not guarantee or safeguard basic civil rights for non-Italian speakers involved in the various phases of legal proceedings, as well as being a response to the European Directive on Interpreting and Translation.

The fundamental approach of this project is the synergy and dialogue between training and academic institutions and the various stakeholders involved. The collaboration with the legal institutions is going to be crucial to the success of the project. We are going to build on our previous collaboration with legal practitioners and institutions who are participating in the form of expert consultants. Their expertise will help us better identify the specific needs and problems in interpreter-mediated communication.



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