



Rapport från

EULITA:s konferens och årsmöte 19–20 april 2024



Innehåll

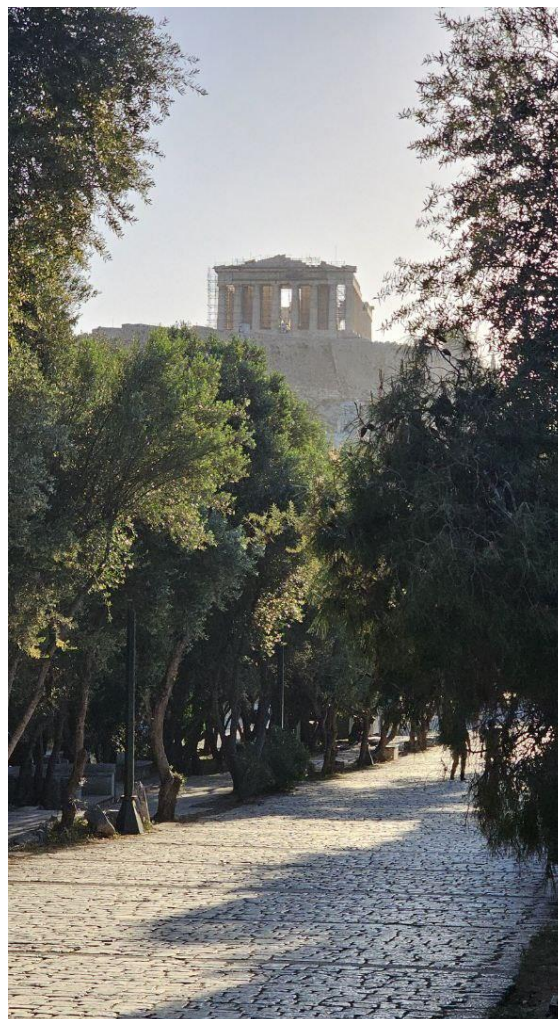
KONFERENS.....	2
EULITAS ÅRSMÖTE	3
FÖREDRAG	3
Revisiting the profile of the legal translator / interpreter	3
Training the modern legal translator / interpreter	10
Synergies in training legal translators and interpreters - Roundtable	17
Presentations chosen on the basis of a call for presentations.	20
Liability for machine-generated or AI-generated translation / interpreting	25
REFLEKTIONER OCH SLUTSATSER.....	29
EULITA:s VERKSAMHETSBERÄTTELSE	30

KONFERENS

I år har EULITAS årliga konferens och årsmöte hållits i Aten, Grekland. Den har ordnats i samarbete med den grekiska föreningen PEEMPIP som också var värd för mötet. Sverige var representerad av **två delegater från Rättstolkarna - Margareta McKenna** som också ingår i EULITAS verkställande styrelse och **Alina Frantsuzova** som har under flera år varit ordinarie styrelseledamot och webbredaktör och nyligen invald som föreningens sekreterare i Rättstolkarna.

Evenemanget sträckte sig över två dagar fullpackade med intressanta föreläsningar och presentationer av pågående projekt. Temat för årets konferens var **”Training the modern legal interpreter and translator”**. Mötet öppnades av välkomstord från EULITAS president Barbara Rován som tackade alla deltagare samt arrangörer, då konferensen ursprungligen var planerad till 2020 och fick flyttas fram flera gånger pga vid den tiden pågående covid-19 pandemi. I år var det äntligen dags att knyta ihop alla insatser och få till stånd en konferens med focus på utbildnings- och övningsinsatser för tolkar och översättare inom rättsväsendet.

Som ordförande för värdföreningen PEEMPIP Spiros Balesias har framfört, ”the conference aims to bridge the gap between academics and practitioners in our community, to ensure that our works hold the high standard of the increasing demands of the world, expand our perspectives, inspire us to excel in our roles. Collaborative efforts will advance our field, it is therefore important to be active and share your knowledge and expertise on the matter of legal translation and interpreting. Thanks for the committee and Barbara Rován for making this conference happen”.



Arbetet var uppdelad i 5 sessioner tillägnade olika teman med koppling till rättstolkning och översättning av juridiska dokument. Bland föreläsare deltog både akademiker, verksamma tolkar, översättare och jurister (för närmare information om föreläsare se Programmet). Närmare redovisning av innehåll i föredragen hittar du nedan. Då redovisningen är baserad på anteckningar från konferensen är texten delvis på svenska och delvis på engelska.



EULITAS ÅRSMÖTE

Under mötet har EULITAS president Barbara Rován avlämnat en verksamhetsrapport (bifogas). Läs gärna den för att följa EULITAS arbete under det gångna året. Föreningens räkenskaper har redovisats, bl.a. att man har lyckats att driva in obetalda fordringar (medlemmar som under flera år av olika anledningar inte betalat in sina avgifter) till belopp om ca 5 000 euro, men också att man har valt att avskryva skulder uppgående till ca 7 000 gällande de medlemmar där föreningen inte såg någon möjlighet till inbetalning. Med hänsyn till det har EULITAS styrelse också uppdaterat medlemsregistret och avslutat medlemskap för de organisationer och individuella medlemmar som inte betalat in sin skuld / årsavgift. Närmare redovisning av styrelsens verksamhet finns i verksamhetsberättelsen.

Nästa år kommer EULITA fira 15 år sedan organisationen grundades och med anledning av det har Barbara Rován delat ut ett särskilt pris till f.d. president Liese Katschinka samt ett annat pris kommer att tilldelas organisationens f.d. president Daniela Amodeo Perillo. Nästa årliga konferens och årsmöte kommer att hållas i Slovenien.

FÖREDRAG

Under konferensens första pass har fokus legat på **"Revisiting the profile of the legal translator / interpreter"**.

Första föreläsaren, Mata Salogianni (translator, DG translation in EU Commission), presenterade ett föredrag på temat "Legal Translation and Multilingualism: The Role and Profile of the Translator". Mata är en erfaren translator och berättar om att översättningsarbetet förutsätter att man återkommer till redan gjorda översättningar och anpassar dem till den föränderliga verkligheten. Mata leder arbetet inom den grekiska avdelningen på översättarstaben i EU-kommissionen. Översättare jobbar med EU-lagstiftning (57%), extern kommunikation och webbplatsinnehåll (20%), kommunikation med andra EU-institutioner (13%), andra officiella dokument (7%) och inkommande korrespondens (ca 2%). Texter som översätts för kommissionen är huvudsakligen dokument med lagstiftande effekt. Kommissionen är också ett organ som föreslår ny lagstiftning vilket innebär att nya rättsliga koncept ständigt introduceras i nationell lagstiftning samt i överordnade EU-rättsliga dokument genom kommissionens arbete. Upplagor av dessa

dokument på olika språk ska vara "equally authentic", med andra ord finns det ingen rangordning mellan de olika versionerna utan var och en av de har samma rättskraft.

EU-medborgare ska kunna kommunicera med respektive lands nationella myndigheter med hänvisning till de olika dokumenten. Här är det viktigt att komma ihåg att EU-lagstiftning har s.k. direkt effekt på nationell nivå medan EU-dokument författas utan staternas direkta inblandning i lagstiftningsprocessen och begränsar staternas självständighet i fråga om att stifta lagar. Därmed är dokument från EU väldigt viktiga då effekt av deras genomförande är ännu starkare.

Det finns en s.k. "joint practical guide" som gäller både för utkast och slutversion av lagtexter och innehåller grundläggande regler, t.ex.:

- *Expressions which are too specific to a particular language should be avoided as far as possible;*
- *As regards legal terminology, terms which are too closely linked to a particular national legal system should be avoided;*
- *The aim is that, as far as possible, and taking account of the specific nature of Union law and of its terminology, acts should be perceived by those called on to apply or interpret them in each Member State (officials, judges, lawyers, etc.) not as translations in a negative sense but as texts which conform to a certain legislative style. Texts peppered with borrowed words, literal translations or jargon which is hard to understand are the source of much of the criticism of Union law, and result in it being regarded as alien;*
- *[...] drafters should realize that comments from translators [...] can be extremely useful. Such checks provide an opportunity to identify any errors and ambiguities in the original text [...]. In many cases, the best solution will be to alter the original text, rather than the translation.*

Men frågan är – "HOW to go about it?". Översättaren här har därmed två roller. Translator as a legal drafter:

- Translators translate for 27 legal orders, the Greek department translates for 2 countries (Cyprus and Greece);
- Language versions must have the same legal effect in 24 languages to uniform application: accuracy, reliability, clarity;
- Strict rules to follow - 1 sentence in a legal text must correspond to exactly one sentence in the target language.

There is no direct correspondence between legal terms because legal orders have developed differently, so the challenge is whether to introduce new terms or to use already existing that are not directly corresponding, finding the balance between what's already established and what needs to be different. For example, the same term can be used for different concepts in Greece and Cyprus, these considerations should be taken case by case.

Translator as a lawyer:

- Domain competence - drafters more frequently set for equivalent knowing the law, and translators are bound to dictionaries, but neither approach is enough

- Familiarity with legal concepts - drafters often draft text not in their mother tongue, predominately English but sometimes French aswell
- The age of machine translation – translating legal texts you need an eye for detail, with machine translation something can be omitted, lack of experience

Mata har gett flera konkreta exempel på rättstermer som kan vålla svårigheter vid översättning till grekiska, bl.a. "legal act", "claims" (here - lawsuits), not the usual meaning in Greek, "parenthood" (outsourcing) - capacity of being a parent, but it was wrong translation because of the complexity of the document, "gender vs sex" - both terms used in a proposal for a directive about domestic violence, where the distinction was made between these two terms, but in some languages like Greek and Bulgarian there is no such distinction, so the translators had to invent a new word to make the distinction the drafters insisted upon.

Ett annat exempel, ordet "incel", visar på att översättare alltid måste ta hänsyn till språkets utveckling över tid och att termer kan förändra sitt innebörd och måste därför ständigt revideras. I detta fall, en grupp översättare med Ansvar för terminologi har fört diskussioner om att den grekiska termen som användes var inte längre "legally accurate". I slutändan, anför Mata att det finns olika aspekter som måste adresseras när man jobbar med översättning av rättsliga dokument, bl.a. att lagstiftare skriver inte alltid på sitt modersmål, de behöver därför förklara för översättare vad de menar med vissa termer och översättare måste i sin tur vad översättning av dessa termer skulle betyda på respektive språk. Man behöver ständig dialog med varandra och strategin för översättning är att man justerar översättningen utifrån den dialogen.

Nästa talare, Anastasia Pilotou (conference interpreter, President of PanUTI), presenterade sina reflektioner om "Professionalism and market mindset". Under första delen av sitt föredrag har hon beskrivit vad kan förväntas av en översättare som jobbar med rättsdokument och vilka yrkesmässiga standarder bör följas. I korthet kan nämnas att:

- legal translator presumed to be the one to translate legal documents with the legal concept and terminology, also with references to other legal documents
- subject expertise - but not a lawyer, and lawyer is not a legal translator, - both require knowledge of the law / legal concepts, but these professionals are carried out completely differently

Problematiken som Anastasia Pilotou lyfte upp hänförde sig till en lag som har antagits i mars 2019 på Cypern där man introducerade begreppet "legal translator" i lagtext, men utan hänsyn till de kvalifikationer som yrkesutövaren måste besitta. Det resulterade i att det numera finns 173 registrerade translatorer, men enbart 35 av dem är medlemmar i translatorsföreningen. Det enda kravet som uppställs i lag för att man ska kunna kalla sig för "legal translator" är att man behärskar språk. Anastasia menar att vi måste "educate the market and teach them about what requirements should be applied to legal translators and interpreters, it is not enough with only language proficiency".

Den avslutande talaren, **Dr Mary Phelan (ATII Chairperson, Dublin City University)**, berättade hur situationen ser ut för rättstolkar och översättare av rättsdokument i Irland:

- no system of sworn translators in Ireland and UK,
- legal documents must be stamped and traceable,
- so the company or translator has their own “rubber stamps” (not official) ‘
- poor rates per word

This is why ATII made their own certification ATII:

- 14 languages into English
- 6 languages out of English

Some officials require legal translators with certification, but not all. Poor rates - huge problem on the market, no credit for the amount of work that goes into working with the words and translations. Although there is a long history of court interpreting – in 1754 translators been on a yearly salary, and in the port the officials always needed and found an interpreter.

According to all the legislation coming from EU and from Ireland carries out a message - the legal translation should require a standard and there should be interpreters in courts. There has been some progress since 2023 – now interpreters for the top 10 languages in each setting are supposed to have at least a C1 in English, all the other languages – at least B2. This is not a quality of competent interpreting, but it’s a slight improvement, compared to when even THIS requirement didn’t exist.

Mary berättar om hur processen för rekrytering av tolkar och översättare ser ut hos en förmedling och vilka krav som ställs och vilka utbildningsresurser som finns att tillgå:

- EF Set test reading and listening
- 20-minute phone interview
- Garda vetting
- Company online course
- Company glossaries (EN)

Hon poängterar både negativa och positiva aspekter. Negatives:

- No accredited training
- No testing
- No review of interpreter provision
- Poor hourly rates (€18 / € 21)
- Travel expenses not always covered
- Travel time never covered
- No payment for preparation

Positives:

- Interpreters are provided in international protection, garda stations and the courts

- Garda station interviews: video recordings (serious cases)
- All courts: digital audio recordings
- IP: no recordings
- Department of Justice covers cost of review of recordings of interpreted cases
- Sign language: BA in Death Studies, Trinity College Dublin; Irish Sign Language Act 2017; Register; CPD; paid per half day or per full day

Huge asset is that recordings are made at police stations of serious cases and in all courts - then you can PROVE that there was an issue with interpreting. Sign language is in a better position, language interpreting has no build-up experience. Mary has gathered some examples of very poor translation from actual cases. Example 1 is nasty case, sexual assault in 2020, with experienced French-English interpreter, the examples were transcribed by Mary from the video and they are routine. It was ruled that the interpreting was inadequate. Question is - is the caution even legally given? It is not clear, because the case wasn't taken up because the defendant plead guilty.

Garda	Interpreter	Translation
As you are aware this interview is being taped and the tapes may be used in evidence.	L'interrogatoire sera avec un CD. Peut-être le CD ils vont le prendre comme une évidence.	The questioning will be with a CD. Perhaps the CD they are going to take it as an obvious fact.

GARDA CAUTION	INTERPRETER	TRANSLATION
You're not obliged to say anything unless you wish to do so but anything you do say will be taken down in writing and may be used in evidence.	Tu n'es pas obligé de parler mais si tu veux pas, tu obliges, on t'oblige pas à parler. Toute chose que tu réponds c'est-à-dire on va la prendre en considération. C'est-à-dire que si tu dis des choses tu vas pas changer d'avis.	You're not obliged to speak but if you don't want to, you oblige. you are not obliged to speak. Everything that you reply that is to say will be taken into consideration. That is to say that if you say some things you are not going to change your mind.

Garda	Interpreter	Translation
You've been given a notice pursuant to article 5.2 of the Criminal Justice Act 1984 electronic recording of interview regulations 1997.	C'est à dire suivant l'article 7 il y a l'article 7 qu'ils vont te poser des questions et en même temps ils vont enregistrer.	That is to say following Article 7, there is the article 7 which they are going to ask you some questions and at the same time they are going to record.

Example 2 got a lot of publicity in 2019, the case regarding female genital mutilation of a 2-year-old daughter. The defendant was from Somalia and there was a lot of issues with interpreting. Although interpreter did have a PhD, it was not in Languages but in Agriculture. French-speaking defendant's father - serious and potentially far-reaching mistakes with translation. Nevertheless, at ground level - the interpreter still works in the court!!!

Mary highlights also that there is training for translators and for conference interpreters but no training for the court interpreters in Ireland. It is unusual for interpreters to get any information about the case beforehand. With outsourcing companies - they don't go the extra mile and give some beforehand information to the interpreter.

There is a UK lawyer Loraine Leeson - done some training in the police collage, but only with new recruits. Training the "users" - police officers - don't know how to work with the interpreter, they are overwhelmed with information and putting this training on top of that is overwhelming. But is it essential – there is an example when police was trying to establish a good relationship with the suspect and was being nice, but the interpreter was cutting it off and omitting all this information and only asking questions, which completely destroyed the interrogation tactics of the officer.

In Ireland there is no trade union for legal interpreters or translators, a lot of interpreters have other jobs as well, very difficult to survive on the salary, no guarantee of work, people do it for a while and then they are fed up and they move on, difficult for trade union to get people to sign up.

Marys föreläsning fick starka reaktioner och det var många som ville ställa frågor eller lämna kommentar. Efter avslutat uppträdande konstaterades det att även i Grekland är arvoderingen problematisk – den låg på enbart 7 euro per timme för något år sedan.



Mary kommenterade även att det är **väldigt svårt att engagera folk i Irland – om man bjuder in polisen till möten är man inte säker på att de dyker upp**. Folk som har makt att förändra något är de som pratar engelska – de har sällan förståelse för denna problematik. Men lösningen, enligt henne, är att man planerar för 5 år framåt, för 10 år framåt osv. Bilingvism i sig, anser hon, är inte tillräckligt, det är aldrig tillräckligt. Tolkning och översättning kräver alltid specialisering.

Alla som vill bidra med exempel eller ställa frågor till Mary är välkomna att kontakta henne via mary.phelan@dcu.ie

Konferensens andra pass handlade om **"Training the modern legal translator / interpreter"**.

Första talaren, **Dr. hab. Lucia Biel från Universitet i Warsaw**, som själv är auktoriserad translator i polska och engelska, föreläste på temat **"Training translators in the AI era"**. Legal translation is regarded as the oldest type of translation, examples of Egyptian peace treaties of 1271 B.C. - illustrates the presence of the legal translators in the world. Nowadays the main challenges are:

- language-specific challenges - complexity of legal language
- translation- specific challenges - complex bilingual processing, partial / zero equivalence, , expert and lay users of translation, translation for normative purposes
- legal-system - system-bound terminology
- high risks - legal, financial, political, reputational

Legal translation is regarded as a a premium segment of the translation market with high professionalization:

- Legal translation as first type of SpTr with its own quality standard under ISO 17100:2015 – ISO 20771:2020 Legal Translation – requirements
- ISO 20771:2020 Legal translation – Requirements; CPD 5% of working time adds up to 8-10 days per year
- Associations: US NAJIT, Spanish APTIJ, French EXPERTIJ, EU – EULITA, which promote the recognition of LTIs' professional status

Now - the challenge - technology enhanced translation - it is HERE and will not go away - prepare for what to happen, take some position for how the profession may change in the future.

Types of translation according to automation and human factor:

- From scratch human translation
- Computer-assisted / computer-aided translation (CAT tools)
- Machine-aided human translation, MAHT
- Post-edited machine translation, PEMT;
- Machine translation post editing, MTPE:
 - Full post-editing
 - Light post-editing
- Raw machine translation, fully automated machine translation, FAMT

Humans should be in the loop - not in the loop circling around, BUT in THE CENTER, we are surrounded by the technology which is to help us improve our work.

But there is a darker side - a lot of investment goes into developing tech-only solutions for translation. for Slavonic languages machine translation have improved, for example. There is a lot of hype about technologies, but still, we haven't adapt it. Dr. Lucia Biel refers to an article by Gregorio Sorgi and Federica Di Sario "Who killed the EU's translators?".

Now we have project management, terminology management, and are slowly shifting toward machine aided human translation - in a CAT tool with support from our previous translation that we recycle, and the machine fills up the empty spaces, not totally automated because we still make the decision if to use it or not, not pure post-editing but towards it.

New segment on the market - post-edited translation. This refers to a from scratch by machine and then human full post-editing to achieve human-like translation - acceptable to some extent. But not the “light post-editing” - its problematic, you can’t edit a text quickly, you still need to spend a lot of time in the text to edit it, but with light post editing – the lack of time and lower rates.

We can’t ignore that we are surrounded by technologies - the clients will ask us to work with these tasks, even AI drafted documents will come up, but we still have a human who would check the translation.

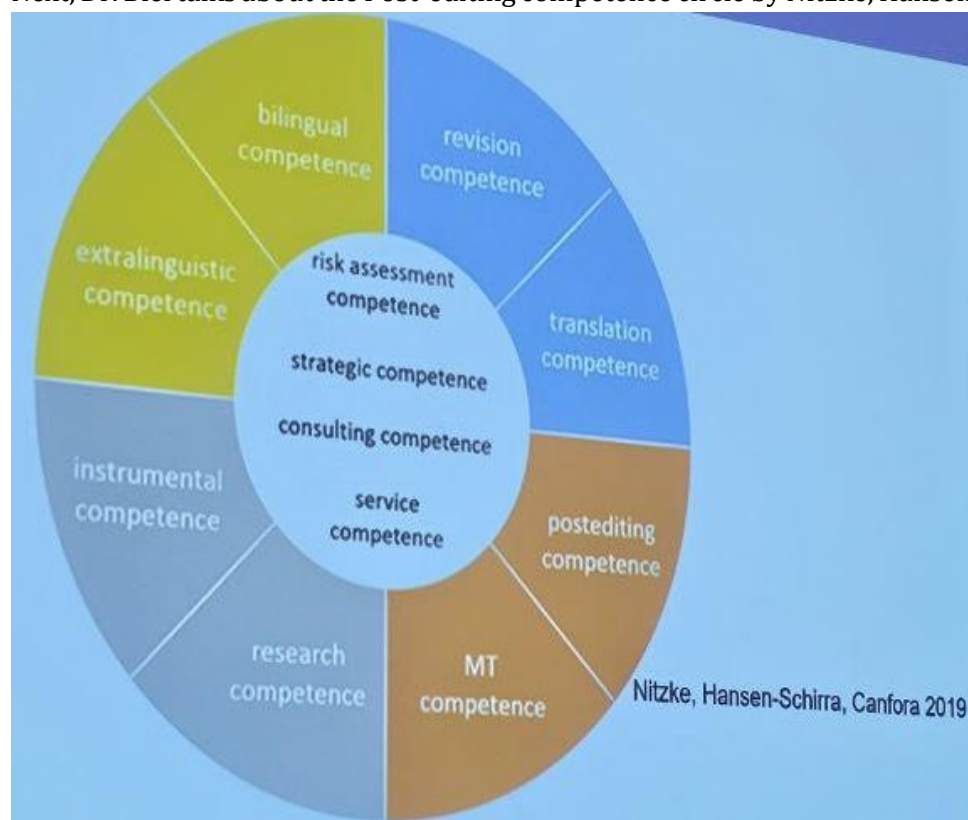
Therefore technology-related changes (Technologies: MT, postediting & preediting; smart drafting & other Legal tech solutions for the legal industry):

- Raw MT is not acceptable in professional legal / financial / medical usage due to risks (intent and TAUS 2021)
- Custom MT, e.g. e-Translation (translation engines trained specifically on the text produced by these institutions,), EU, eLUNa (UN)
- Post-editing of legal MT& risks: accuracy, term consistency & adequacy, pluricentric languages (UK and US legal English), shallow text processing, treacherous fluency / flow, increased cognitive effort
- Liability for translation

Dr. Lucia Biel refers to a paper from Slater – “10 areas where translators are (and will remain) essential experts in the loop” and the legal translators’ competences according to ISO 20771. She also refers to a quote by S. Sarcevic about the ideal legal translator, who should have:

- “ thorough knowledge of legal terminology, legal reasoning and TL and SL legal systems
- the ability to solve legal problems, analyze legal texts and foresee text construal,
- drafting skills,
- basic knowledge of comparative law and methods....
- but s/he does not exist!”

Next, Dr. Biel talks about the Post-editing competence circle by Nitzke, Hansen-Schirra, Canfora 2019:



She especially points out the risk assessment competence and consulting competence - tell the client about if the text should not be done with MT.

How are legal translators trained:

- university-level education: translation, law, mixed
- postgraduate courses
- self-study
- CPD

Dr. Lucia Biel refers to a study about what new recruits lack in competence (Lafaber) and gives a book recommendation – “Institutional translator training” by Tomáš Svoboda, Lucja Biel, Vilelmini Sosoni. She then continues to talk about translators’ competence in AI area:

- The core strategic / instrumental competence
- Upkeep of translation competence

Conclusions:

- Complexity of legal translation
- Liability for translation: high legal, political, financial risks

- MT as a (useful) translation tool, not as a replacement of translators but the profession shifts towards post-editing
- Pressure on effectiveness at the cost of quality; precarious conditions, driving competent translators away from the profession – sustainability of the profession
- Upkeep of translation competence
- Focus on thematic competence and revision skills
- Dangerous hype of eliminating translators – change narratives!

Efter föreläsningen har vissa kommentarer framförts, bl.a. att:

- there are also languages where MT cannot be used yet, it's not enough information, no resources
- it is harder to mark mistakes if the MT is good, because you are not as alert as with the manual MT
- in Finland - big changes - public offices and ministry - decided that MT is forbidden because it's in the cloud and for safety reasons this data transfer is forbidden
- as long as the lawyer and the judge are humans, for the justice we would prefer human interpreters, because human communication is flawed and only human can understand these flaws (Dr. Vlachopoulos)

Nästa talare, Katerina Apostolaki (Member of the AIIC Legal Interpreting Committee & Chair of the SYDISE Legal Interpreting Committee), berättade om vilka möjligheter det finns för konferenstolkare att jobba i domstol. Hennes föredrag "Professional Development for interpreters wishing to work in a legal setting: AIIC Legal Interpreting Committee webinars and SYDISE's course on interpreting in legal settings" fokuserade på en grupp konferenstolkare som ville utrusta sig med rätta kunskaper och färdigheter för att bli "rättstolkare". Eftersom SYDISE är en yrkesorganisation för konferenstolkare har det inom organisationen bildats en avdelning för att kunna driva fram den nya tolkprofilen. Gruppen har bildats för tolkar som vill jobba inom domstolar vid svåra mål där tolkning är konsekutiv men även vid mål med internationella kopplingar där även simultantolkning förekommer.

För att tillgodose kompetenshöjningen har man tagit fram en online-baserad kurs som täckte ett brett ämnesurval:

- Law and justice – an overview of the Greek Judicial system
- Difference between Common and Continental Law
- Legal language
- Interpreting in Greek courts – how to handle difficult situations
- The European Court of Justice

Efter genomförd utbildning har SYDISE försökt att nå ut med informationen till de externa aktörerna vilket visade sig vara väldigt svårt. Although organized to publicize the sub-directory, **it proved to be very difficult to draw the attention of legal professionals and especially lawyers.** The

outreach event draw a large audience of interpreters from Greece and globally. People mainly attended online.

The AIIC and its Legal Interpreting Committee engages in dialogue with users of court and legal professional interpretation services such as legislators, courts, judges and bar association and also organizes regular training and information seminars. A special tribute has been given to PhD Christiane J. Driesen, well known for her work in Legal interpreting and teaching of legal interpreting. AIIC and SYDISE had a joint forum on “Training interpreters in Languages of Lesser Diffusion (LLD)” where they explored its’ specific challenges:

- Limited trainers: finding trainers fluent in both the LLD and interpreting skills is difficult
- Academic scarcity: few academic opportunities exist for LLDs, hindering interpreter development
- Resource gap: the small pool of professionals and academics in LLDs hinders resources and mentorship
- Legal interpreter shortage: there’s a critical shortage, particularly for legal settings demanding among other skills, a precise terminology
- Fluctuating demand: migration patterns create fluctuating demand for LLD interpreters, requiring adaptable training methods

Training interpreters in LLD – Solution:

- **Tandem training** (promoted by Christiane Driesen) – learners work with pairs under supervision of highly experienced native speakers of their languages, fostering mutual learning and practical experience, especially valuable for legal settings. This method addresses the need for interpreters skilled in legal nuances and court procedures, ensuring equitable legal representation for LLD speakers

Sessionens sista talare, Dr. Stefanos Vlachopolous (Ionian University), presenterade ett intressant sätt att se på rättstolkarnas arbete. Hans föredrag hette **”Training the legal interpreter: an extragalactic perspective”** och fokuserade på en liten utomjording LIAME som genom bilderna som beskrev riktiga rättsfall kommunicerade med människor om mål där rättstolkning förekom. Liame är en extragalaktisk varelse med passiv kunskap i alla mänskliga språk (på nivå C), men hen kan enbart kommunicera med bilder. Liames utgångspunkt är att *”fair trials are a cornerstone of democracy ensuring fair and just societies”*. Hen var därför särskilt intresserad i de rättsfall där problem med rättstolkning uppstod. Dr. Vlachopolous presenterade 3 olika exempel på otillräcklig rättstolkning som alla har ägt rum i olika länder och där mänskliga rättigheter har kränkts.

Poängen med exemplen var att visa att det krävs standard för tolkning och att rättstolk består av träning och tolketik (*”training and ethics make the interpreter!”*). Dr. Vlachopolous hänvisade till ISO 20228:2019 Legal interpreting:

- Speakers of languages other than the language of service used in legal settings can only have access to fair trial standards when legal interpreting services of a sufficiently high quality are systematically provided.
- Legal interpreters shall demonstrate mastery of the various interpreting techniques (modes) and the appropriate supportive strategies. 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.

Meet the interpreters!:

- D – untrained bilinguals
- C – interpreters with basic accreditation + some experience
- B – higher accreditation or basic accreditation + significant experience
- A – trained conference interpreters

Everything boils down to learning (hard skills)!

- Consecutive interpreting
- Note taking, RSI, memory skills, case preparation, etc.
- Interpreting theory
- Sign translation
- Legal knowledge + discourse
- Terminology + knowledge management
- Simultaneous interpreting
- Trained according to ethics

Can everyone do it (soft skills)?

- Analysis of (legal) discourse in culture A
- Synthesis of (legal) discourse in culture B
- High EQ
- A high degree of motivation
- Only A languages
- Interpersonal skills
- Ability to work under pressure
- Excellent communication skills
- Readiness to accept and provide feedback
- Excellent communication skills

Den röda tråden under föreläsningen var – **should interpreters learn alone?** – common space (on Earth!) is required!:

- Expectations from interpreter-mediated events
- Expectations from courts and police
- Joint learning
- Technical issues
- Assessment culture – both directions
- Needs analysis
- The position of the legal interpreter

A PSI register as the basis for LLL – guarantees minimum quality standards for public service interpreting. Principles:

- Transparency
- Inclusion of different professionals that work as interpreters without having studied interpreting
- Motivation interpreters to continuously improve and learn in order to ascend through the ranks of the register and reach for the top.

Dr. Vlachopoulos proposed a register model, and both he and LIAME (Learning is a magnificent experience) thanked for the attention:

A PSI REGISTER MODEL OR LLL		
Stage	Educational qualifications	Professional experience
D	<ul style="list-style-type: none"> • language proficiency test and short seminar on ethics in PSI; or • a university degree in translation, foreign or applied languages with Greek as the mandatory language and short seminar on ethics in PSI; 	no prerequisites for proof of work experience
C	<ul style="list-style-type: none"> • such as Category D and general seminar on public service interpreting (30 ECTS) 	at least 40 hours of public service interpreting gained within the context of the Register
B	<ul style="list-style-type: none"> • such as Category C and specialized seminar on interpreting techniques (30 ECTS) 	at least 160 hours of public service interpreting gained within the context of the Register
A	<ul style="list-style-type: none"> • an undergraduate or postgraduate degree in public service interpreting and language proficiency test in case of a degree issued in a country other than Greece; or • an undergraduate or postgraduate degree in conference interpreting with Greek as the mandatory language and a short seminar on ethics in PSI; or • any bachelor's degree, language proficiency test in case of a degree issued in a country other than Greece and a short seminar on ethics in PSI; or • such as category B (not at the initial stage) 	<p>no prerequisites for proof of work experience</p> <p>no prerequisites for proof of work experience</p> <p>at least 150 days of conference interpreting</p> <p>at least 320 hours of public service interpreting within the framework of the Register and/or 40 days of conference interpreting or combination</p>

Konferensens tredje pass avhandlade **“Synergies in training legal translators and interpreters - Roundtable”**.

Första talaren, **Dr. Sotirios Livas (Ionian University)** presenterade ett föredrag på temat **“Training legal translators – the merits of simplicity”**. Merits of simplicity refer to training non legal trainees that are eager to learn about legal translators.

Peculiarities of legal language. Law exists only within the language, it doesn't exist outside the language, for example velocity or volume - they exist outside the language, but not legal concepts. Legal language shapes and determines the phenomenon itself (law). Concepts and relations are equally important, terms and concepts - also about stories, facts, relations that are described in legal language.

Legal language is endowed with certain unique textual, terminological and syntactical features that differentiate it from everyday language.

There is not only one and only one category of legal language – for example, there is a difference between contracts and other documents.

Legal practitioners to strive at the same time for:

- preciseness and vagueness (to be able to express themselves in a certain way defined by time and circumstances, but also covers any possibilities, circumstances that might arise in the future)
- laconic but also able carry as many messages as possible
- decisiveness in language but also being reserved (and ready for all probabilities)

Greek language problem - big rift between the common everyday language of the people and the language of the power) arose in 1900th century, almost civil wars for that reason.

After the 1980-s law (together with church and military) are the only domains where the “old” language (“cathareusa”) seems to “survive” in certain ways. Official change from the old to a new language occurred in 1976 (also in legal language) but problem remain.

Ideological patterns are different, old language have some necessary types and unnecessary types that are used by lawyers to complicate the language and make them seem more educated or knowledgeable.

Legal translation - how much law fits in the legal translation - can it be taught? Is it a unique subject for lawyers or translators? Most lawyers say that only lawyers can be legal translators but the speaker, himself a lawyer, doesn't think this is the case.

Good and sound and safe knowledge of the terminology - then you can navigate the legal translation. There are also different types of legal text - documents and certificates are easier, but there are also more complicated court cases. A lot of the students say that it cannot be taught if you don't know about the law, but you can develop a modus operandi, a way of operating. Economic + political + legal translation - at the graduate level and also legal translation for the post-graduate

Difficulties:

- many students have no knowledge about legal systems and the performance of law (how things are getting done)
- no knowledge of terminology
- no knowledge of the specific function of language (performative, combative character) in the legal “game”
- no knowledge of different legal cultures and traditions, of different terms, of different ways to describe objects (and relations)

Additional difficulty: inclination to sophistication? (referens till svenska - klarspråksarbete). The charm of complexity, of the new and old language. Part participles, “long” sentences and subordinate referential clauses (a plague). Many students try to imitate the way they think a lawyer talks or thinks instead of going into the depth of the text (from sophistication go to simplicity).

According to Dr.Livas, simplicity is the cure. Sophistication is for novices. The use of “old” types to cover up awkwardness, the lack of knowledge in new language. The cure: simplicity, context, basic techniques, training, training, training...

According to Dr.Livas observation about sophistication - not only the problem with the legal field, but it's a general problem - many transitions would sound like the doctor would have written it but it's not; not only legal translators who use this complicated language, but lawyers and judges also use it - answer - you must tell it to your client, that this text will not make sense if you translate in old language - dvs. consulting role - simplification (a little bit as copywriter) - mandate - take up this matter with your client – but it's difficult when your client is the court!

Nästa talare, Dr. Mira Kadric-Schieber (University of Vienna), presenterade ett föredrag om **”Legal interpreting in education and research: Building networks of trust and responsibility”**. Ämnet var en presentation av en kurs på universitetsnivå som inriktades på att utbilda rättstolkare och tolkar i offentlig sektor.

Presentationen omfattade information om studenter, lärare och samarbetspartners, behörigheter för antagning, kursinnehåll. After regular studies – there is a continuing education - 5 clusters - ca 80 study programs at the post-graduate center to upgrade professional qualifications, adjusting to changing professional requirements.

The 1-st course started 2016, based on regular program that offers 14 languages but no special focus on court and public service interpreting, so the continuing program is the 1-st one covering legal and court interpreting. Now only 5 languages, all are language specific courses.

To make this possible a lot of work was done before 2016 with EULITA and universitas and ÖVGD and the grants from the city of Vienna. Students are bilinguals from different professions - journalists, teachers, social workers etc. Teachers - language experts, educators. There is also an advisory board with different stakeholders and members (researchers and practitioners exv association of judges,

association of defense lawyers etc.). One of the policies was to increase the proportion of women - in the first course was 85% men. They teach modules, not particular lessons, total of 60 credits (hp), runs through the year, oral and written examination:

- Applied translation studies (10 ECTS)
- Institutional communication and translation (10 ECTS)
- Interpreting (basics, cons) (10 ECTS)
- Translation (incl. transl. tools) (10 ECTS)
- Interpreting (advanced, cons / sim, incl. technology) (10 ECTS)
- Internship (PS-institution, non-gov organization) (8 ECTS)
- Oral and written final examination (2 ECTS)

Första kursen har startats 2016 och nu, 8 år senare, finns det 150 alumner, ny generation av kvalificerade rättstolkare, ny generation av kvalificerade utbildare (f.d. studenter i arabiska, kinesiska, dari, farsi, turkiska).

En annan kurs som kommer att påbörja 2024 är "Legal communication and translation English / German" som riktar sig mot flerspråkiga jurister. Bland lärare har man tagit in experter inom språk, tolkning, översättning, terminologi och juridik. This is a master course 120 credits (hp), ECTS - hope to increase the interest in translation and interpreting.

Conclusion. Connectivity and interprofessional cooperation on all levels increases:

- Visibility of and knowledge about interpreter & translator professions
- Understanding of need for qualified interpretation and translation
- Responsibility of co-connected professions (they also feel responsibility for the work)
- Responsibility of stakeholders
- Attractivity of the t&i professions

Panelens sista talare, **Mary Orfanou (lawyer-linguist)**, presenterade sina slutsatser på temat "**How to think as a lawyer without being one: the ultimate legal translator challenge**".

There is no answer, discover together - we need use collective intelligence. At the Greek market still a lot to be done at the legal translation field.

1 - The agony of legal translation (valuable insight from prof Silas?)

Variety of legal documents - several categories exv documents drafting the law, applying the law, creating specific rights for specific groups of people, analyzing laws, simply talk about the law. Why is it a problem? A lot of work - each category requires different approaches - if you are not acquainted with them, it means its more time consuming, less money and less sleep.

2 - Who is a legal translator in Greece? No appropriate candidate.

Solution as for now - a three-way street:

- Certified translators (vidimerade translatorer). Earlier there were lawyers who worked with translation at the ministry of foreign affairs. They are not really certified, but they moved to that category when the translation department was closed. But because of that nobody else can become one if wanted to, a mystical category.
- Translation graduates (Ionian University)
- Lawyers (Code of lawyers)

Greek Law 4194/2013 – “translation fully valid before any judicial or other authority”, also art. 36 (2d) - “a lawyers work includes the translation of documents drafted in a foreign language as well as the translation of Greek documents into any foreign language”. Provisions about translations are missing the word "legal" - legal translation.

3 - The ultimate challenge:

- Language requirements
- lawyerISH reception
- research skills

What makes an efficient legal translator ? “LawerISH” perception, - so the requirements should be as for paralegals. Legal terminology seminars - in Greece, law seminars for the non-lawyers – synergies. Translation bodies should work with legal education providers to mix participants - **mixed pool of participants is needed.**

Legislation wise - securing higher standards for sworn translators. How to train? Immerse yourself - unofficial things that give us knowledge that we don’t know that we have, fiction books, series, - pick related topics!

Caution - if it seems too hard maybe don’t accept the assignment, if it seems too easy - maybe we shouldn’t take the assignment. Think about the consequences of the bad translation - maybe millions will be lost or someone will go to jail - i don’t want to be guilty for that.

Presentations chosen on the basis of a call for presentations.

Det 4:e passet hade inget gemensamt ämne, utan var en blandning av olika presentationer. En presentation **från Claudia Förster Hegrenaes, Beate Sandvei och Ingrid Simonnaes (Department of professional and intercultural communication, NHH Norwegian School of Economics)** omfattade deras utbildningsprogram för translatorer inom rättsväsendet, **“Experiences from an online master course in legal translation”**.

The department has been teaching ONLINE since 2013, so before the pandemics. There is a stand-alone exam, formal requirement f bachelor degree in any field, 2 parts - general language text + reflection note to that translation - then second part of the exam - 3 specialized texts including legal text. Very very few people pass the exam, maybe 10-20% - experience - candidates have really big problems specifically with the legal texts - this is why they started the course.

Scarcity for translator training - very few program for studying for translation - master in translation and communication - very recently they started continuing study program - but great need for legal translations. Norway is a very small country so it's a language of lesser diffusion.

Executive course (part-time study, continuing, online via Zoom) - online because they need participants from ALL over the world, like Australia and so on, not only Norway or Bergen. Students have their regular works. The course runs for 2 semesters, 15 ECTS each. Everything they do, how they teach and examine is based on research on legal translation competence, legal translation pedagogy, some of that research presented by prof Dr.Biel.

1-st semester - law for translators - all the students are gathered in 1 group and learn about the Norwegian legal system. Then students split up into individual legal systems + studies in supernational law (EU etc). Then the students are gathered again and are taught about terminology + 1 lecture on CAT vs human translation just to give an introduction on the topic.

2nd semester - start in one group, legal translation theory, model of legal translation competence, can't teach ALL the competencies, but they should know what they are expected to know. Then the students are divided into smaller groups - they prepare individually and then discuss translations in the smaller groups. There is not much time, so only limited number of documents are taught. Teaching method based on Blooms taxonomy of educational objectives: remembering, understanding, ... etc.

Reflections notes - importance on the translation brief, also write down meta-analysis - see what you've done and why, and reflect. How the study-program is financed - students pay for it, this is why they can offer more lectures, the price - about 18 000 norsk krona for the whole year. Hours per week - every semester is 12 weeks, 1 lecture hour per week, on Tuesday kl. 5-6 (by experience is the most convenient time for everybody who has an ordinary job).

Nästa talare, PhD. Lea Burjan (association of Translators and Interpreters of Slovenia DPTS), berättar om kompetenshöjande kurser som deras yrkesorganisation anordnar för sina medlemmar – "CPD programme - certified court interpreters and translators in Slovenia".

There are 150 members in association, existed for 10 years, 2 mln people in Slovenia. Case of Slovenia - best practice example - might provide food for thought!!! Special conditions – in Slovenia there is a law saying that sworn interpreters should prove their competence every 5th year by attending CPD courses. As there is a law – there is a demand for CPD courses! This is why DPTS can organize and offer these courses for their members.

The courses are mostly for the German language - many conferences and seminars. Cooperation between the judges and interpreters - topic for her thesis

Main tasks of the DPTS:

- promoting status and standards
- CPD
- Terminology work (glossaries, dictionaries, series Skrips)

- Information (website & other communication channels)

The state requirement is 5 certificates during 5 years to prove that court interpreters have been undergoing continuous professional development - because directive 2010/64 EU been implemented in the national law and now every 5 year court interpreters have to show their professional development. Therefore association have organized 110 seminars for all translators especially for court interpreters during the last 10 years, with 2775 participants in total. Most of the seminars are remote - members like ZOOM. Earlier most of the seminars on site were held in Ljubljana, but now half of the seminars are being offered online and half - in presence.

DPTS is a non-profit association. According to the stats there are peak years - every 5th year when translators and interpreters need to provide certificate to the ministry of justice (same year for everyone??) - this drives the demand for seminars and courses up. Also causes a problem for the languages of lesser diffusion because they can't get the right amount of training they need in these languages. Main conclusions:

- persistence and continuity
- professional and argumentative approach

Konferensens andra dag började med redovisning av en av EULITA:s rådgivande nämnder som arbetar med rättspraxis. **EULITA's Research and training advisory committee** has been collecting case law for many years, a number of cases concerning the rights to interpreting. The main idea was to go and look at what's happening in different states. There are not many from the court of human rights, mostly concerning art 6.3 of European convention of human rights. The definition of "interpreter" has been extended to translator and now includes rights to written translation. Some of the cases are unusual - focused on the rights of the VICTIM to interpreter, because usually it is for the defendant.


The committee gave some examples of the cases they've been analyzing and **asked member organization to help them gather more cases from the national courts**. To collect more cases the committee asks to use a **template** when reporting the cases to the committee:

- Country
- Case details
- Court's ruling
- Relevant facts
- Legal instruments relied on
- Court's reasoning
- Comments

The most interesting cases are cases about right to interpreter in criminal proceedings (but also civil proceeding, maybe family matters with no interpreter). Also interesting - complains by interpreters and translators - for maybe conditions of work etc.

One of the case law examples concerned a case where interpreting was one of the aspects. The story is that a young woman was accusing a waiter of rape, X vs. Greece, it's a very recent case, the ruling was delivered on 13-02-2024. Issues - art. 3 and 8 ECHR + Istanbul convention - preventing the ill-treatment of the women, victims directive 2012/29 art 7.

<p>extremely poor, the statement was written in Greek and, as it was not read back to her, she could not confirm its accuracy) and (2) she did not receive a written translation of her complaint.</p>
<p>Legal instruments relied on</p> <p>ECHR Articles 3 and 8; Istanbul Convention Art 56; EU Victims Directive 2012/29 Art 7; Greek Code of Criminal Procedure Art 233; Greek Law no. 4478/2017 Arts 58 and 60</p>
<p>Court's reasoning</p> <p>The interpreter called by the investigators was not on the official list drawn up by the court under the Greek CCP, but was a travel agent for the company who had organised the applicant's holiday (and possibly the owner of the hotel where she was staying), so he was not impartial and his skills were unverified. Appointing an interpreter who was not on the list was reserved for "extremely urgent cases", but the authorities did not show they had tried to find someone on the list or provided any explanation for the "extreme urgency" exception. The applicant should have received a written translation of her complaint free of charge (under domestic law). The authorities did not take any measures to inform her in her language of her rights as a victim, including the right to receive information and the right to object to the interpretation.</p>
<p>Comments</p> <p>Rare example of the right to an interpreter being upheld for the victim of a crime, and therefore not under the "criminal proceedings" safeguards of Article 6 or Directive 2010/64 but with reliance on other texts. Nevertheless the same principles of a competent and impartial interpreter are applied. First time the ECtHR has emphasised the importance of using an official list (on the grounds that skills are verified).</p>



Applicant was a British national, 18 years old woman, the authorities didn't respond adequately to the victims hearing. The hearing of the victim - art 6 has a civil limb and the criminal limb, exv the right to compensation. She was not able to give her statement properly because of the translation issues, interpreter was not impartial because he was the owner of the hotel where she was staying, his English was poor, he wasn't called from the court list, her statement was written in Greek and not read out or handed to her for confirmation.

The ruling is recent only from February, no reaction from the authorities yet, but the charges were dropped so maybe she got compensated, the case made British press, and no idea if it is possible to reopen the charges.

More about caselaw that's been gathered so far is presented at EULITA:s webpage - <https://www.eulita.eu/en/case-law/>.

Ett annat exempel från en nationell caselaw i Tyskland presenterades av medlemmen i rådgivande nämnd - Evangelos Doumanidis. The court sentenced the defendant for 3,5 months for rape, the defendant objected - also objected the interpreter, date for the hearing - interpreter appeared, took the general oath for the hearing, the oath is very sharp - "swears that interpreter will interpret faithful and conscientious", the possibility to take this oath and then invoke the general oath. What to take with you when you want to take the general oath - think of it like this - once you take this oath you should be seen as professional, and not somebody from the street who takes the oath here and there.

The defendant had complained - that the interpreter had put her arms around the victim, comforting her, spoken to the victim during the breaks - the problem was for the defendant that interpreter was not impartial. The court dismissed it - stated that the interpreter gave the handkerchief wasn't enough to accuse her of impartiality. This behavior was based on empathy, has nothing to do with impartiality, not any parts of the interpretation was found not faithful and conscientious, interpreter had spoken to the lawyer - this complaint was also dismissed by the court.

So the case went to the highest criminal court in Germany - bound by the facts establishes by the lower court - only to look if the rejection from the first court was without any formal legal mistake. An objection of the interpreter - objecting reasons for doubting an interpreter who is of assistance for the court - also account must be taken to the role of the interpreter. On one hand - interpreter is obliged to translate fully and accurately. The interpreter doesn't have any room for the discretionary powers, so the court is in control of the use of the interpreter. On the other hand - it is difficult for the parties to monitor the activities of the interpreter so therefore the interpreter status requires special protection.

How can one understand the ruling - the court says - the parties have expectations - the expect the interpreter - everybody at first instance have to believe the interpreter is impartial and also because the interpreter took an oath, should be protected that - a very strong position to the interpreter.

Interpreter was interpreter for the victim who was the witness against for the defendant - here the court saw that these objectives come from the lawyers, to obstruct and it says - not enough, "i protect your expectations", essentially the court says the interpreter is one of us, the assistant of the court.

Next, some talks were given on the topic of “**Liability for machine-generated or AI-generated translation / interpreting**”.

First, an online-speaker **John O’Shea (legal translator and independent researcher)** gave a presentation on the topic of “Is anyone liable for legal translation?”. The speech concerned only translators, not interpreters.

John O’Shea conducted surveys and been monitoring this topic - translations and liability issues with AI, published some articles. He’s done 2 surveys - 1 directed to freelance translators and 2:nd to the translation agencies, to build up a broad picture of the liability for legal translations (not court interpreting at all).

He points out that there is a market dysfunction – for example, rushed jobs (10000 words tomorrow, very important million dollars worth contract should be done in 1 day etc etc). Another issue is a misunderstanding about that anyone can do a legal translation, for example a family member, a lawyer, a bilingual secretary. So things are not done properly.

But! Legal translation brings REAL risks of repercussions, lawsuits, but the seriousness of legal translation is not passed into the reality.

The legal situation:

the general rule - when you are asked to do a translation - to provide a contract for work - the client is expecting a successful product that is usable and free of defects, - but of course there is a question about the level of quality they expect, has the client actually spoken about it?

10 burning questions – it is up to the client whether or not they accept the translation you provide - and if something is wrong then the discussions starts.

1 – What remedies are available?

Liability in law or in tort - you can sue because Are people are being sued, are compensations being paid? Only 12% ever had to pay compensation for a legal translation they’ve done. Contract law was being used, but not to be taken to court for breach of contract - but for lowering the payment, or for making the translator correct the translation without additional payment.

2 – Does anyone go any further?

Did the matter go to court? In 100% of cases – no.

3 – What barriers are there to liability?

For example, hard to prove that there was a breach of duty of care, exv you have to prove that the deal they wanted to go ahead didn’t go ahead and then you have to connect that why it didn’t go ahead was depending on the flaws in the translation etc. (dvs. Orsakssamband in skadeståndsrätt). The idea of what you do in your profession should not harm - the idea of negligence, seek not to harm action through your actions.

4 – *Where are all the cases?*

There are no cases.

5 – *Just because we can't see them, does it mean we can rest easy?*

We have to be diligent to what we are doing, - good idea to have professional liability insurance, just if some client would get the idea to take you to court + duty of care.

6 – *Why aren't we seeing cases?*

Maybe because people initiate legal procedures against the translators but they are set outside the courts, or maybe people don't go after the translator, they don't bother suing, maybe they have no awareness of the importance of the translation, maybe they can't secure the quality of the translation, maybe they realize it too late and maybe it is too late to sue for that, can be a lot of reasons.

7 – *Surely there must be cases?*

A lot of evidence of that legal translation has real world impact, exv people loose patents, people are not set free from the jail when they should have been, - but most of the cases don't refer to translation itself, - it's a question of the procurement, due diligence to HOW the translation has been done, maybe it was in a rush etc.

8 – *Why does it just have to be about the translator?*

Other people involved in the procurement of the translation - the circumstances under which you are asked to deliver the translation is equally important for liability issues as your translation.

9 - *What about MT and AI?*

Already anecdotal evidence emerging, but never actually proceeding to court as yet.

10 – *Why do we need to start thinking about this now?*

MT and AI act as risk amplifiers, we already see that clients are starting to use the free tools to try and check what they get and they start arguing with translators. There is a shift in a dialogue on the clients side - so we need to think about how to answer and the argumentation. Not just because of the price, but because of the hardship of explaining the issues with translation.

A worrying sign - a paper from Karolina Keijnich-Kruk "Lost in translation: implementation of the right to a translator through the use of machine translators in the light of the EU and Polish law" - proposes to already use AI and MT in making translations. It is absurd, but most of all it is irresponsible coming from an academic in an academic journal.

Nästa talare, **Petra Kamenikova (Ma. KSTCR)**, presenterade en **mycket oroväckande** berättelse om ett lagförslag från tjeckisk regering som medför stora risker för rättssäkerheten i förhållande till rätt till tolkning och översättning.

The legislative proposal of the minister of the interior to use “certified technical devices” for interpreting. I utkastet till ”Lag om inresa och vistelse för utlänningar och asylrätt för utlänningar på Tjeckiska republikens territorium” föreslås en möjlighet att istället för mänsklig tolk använda ett ”tekniskt hjälpmedel”. Så här ser lagförslaget ut:

Rubrik	Lagförslag om inresa och vistelse för utlänningar på Tjeckiska republikens territorium
Typ	Ändring i LAG nr 326/1999 Rec
Nyckelord	Utlänningar, polisen
Tillämpningsområde	Förvaltningsrätt / Utlänningar
Underlag	Detta utkast läggs fram i enlighet med Lagstiftningsplanen
Syfte	<ul style="list-style-type: none"> • Syftet med detta lagförslag är att förtydliga regelverket. • Påskynda digitaliseringen av den offentliga förvaltningen. • Den digitala staten. • Göra mottagningsanläggningar för flyktingar mer effektiva.
	<p>ARTIKEL 419 – MASKINER KOMMER IN I TJECKISK LAG</p> <p>§ 419</p> <p>Möjlighet att använda ett certifierat tekniskt hjälpmedel för tolkning</p> <ol style="list-style-type: none"> 1. Myndigheten kan i under förvaltningsprocessen i tolkningssyfte använda ett certifierat tekniskt hjälpmedel <u>som ersättning</u> för en edsvuren tolk som är inskriven på listan över edsvurna tolkar och översättare. 2. Den vars tal tolkas av ett sådant certifierat tekniskt hjälpmedel som avses i paragraf 1 <u>får bara motsätta sig tolkningen fram till slutet av den tolkade handlingen.</u> Senare inkomna invändningar <u>kommer att lämnas därhän.</u> 3. Ministeriet fastslår genom dekret de krav som ställs på sådana certifierade tekniska hjälpmedel som avses i paragraf 1, och villkoren för utövande av sina rättigheter som avses i paragraf 2.

Denna utveckling är mycket problematisk:

- SKA MAN LÅTA ”MASKINER” KOMMA IN I EN LAG?
- Hur ser framtiden för mänskliga översättare/tolkar ut?
- Och vad innebär ”Certifierat tekniskt hjälpmedel”?
- MÄNNISKANS LIV I HÄNDERNA PÅ ETT VERKTYG

Ordet certifierad kommer troligtvis från ett analogi med ”certifierad översättare”, men säkert har ministern inte tänkt igenom innebörden av begreppet. Vad blir certifierat och av vem??? Det kräver också att verktyget – som just nu inte existerar – blir CERTIFIERAD FÖRST!!!

- CERTIFIERAD ÖVERSÄTTARE – CERTIFIERAT VERKTYG

Som svar på ministrarnas lagförslag har de tjeckiska tolkarna och översättare tagit initiativ tillsammans mot maskiner och skrivit ett brev till inrikesministern. I brevet hänvisade de till att lagförslaget äventyrar:

- EUROPAPARLAMENTETS OCH RÅDETS DIREKTIV 2010/64/EU av den 20 oktober 2010 – artiklarna 2, 3, 4, 5
- Mänsklig översättare/tolk – lag nr 354/2019 REC.
- DEN ALLMÄNNA FÖRKLARINGEN OM DE MÄNSKLIGA RÄTTIGHETERNA
- EUROPEISKA UNIONENS STADGA OM DE GRUNDLÄGGANDE RÄTTIGHETERNA (2012/C 326/02)

KST ČR som medlem av EULITA sedan 2009 har bett om hjälp från organisationen i enlighet med EULITAS mål:

- 2.3 stötta de nationella föreningarnas för rättstolkar och rättsöversättare intressen och företräda dessa föreningars intressen gentemot europeiska och internationella organisationer och institutioner.

KST ČR och EULITA har tillsammans författat ett brev från EULITAS ordförandeskap av den 20 november 2023 ställt till Inrikesministeriet i Tjeckiska republiken med kritiska synpunkter på lagstiftningsinitiativet. Ministeriet har dock inte besvarat brevet.

Det mest problematiska med lagförslaget är hur ambitiös tjeckisk regering är vad gäller att ligga i framkant och vara „först på bollen“. Idén är att vara fört och därefter sprida denna initiativ till ALLA länder i EU. Den tjeckiska Ministeriet föreslår:

- Samarbete **på nationell nivå** under utarbetandet av texten i beslutet om certifierat tekniskt hjälpmedel
- Samarbete **på EU-nivå** med IT-expert
- **Samarbete med certifieringsmyndigheter**
- Erfarenhetsutbyte på EU-nivå



Vad kan sägas här? Jo, „DET JAG VET ÄR ATT JAG INGENTING VET“ (Sokrates, filosof i antikens Grekland)

- LOW ≠ LAW
- LOW COST ÖVERSÄTTARE/TOLK ≠ BÄTTRE LÖSNING
- En regeringsstrategi som går ut på att söka/hitta en tjänst till ett lägre pris än experternas
- Den faktiska kostnaden: NOLL EURO/CZK ELLER ETT ODEFINIERAT BELOPP?

Alltså, har det mänskliga livet ett pris? Det förslaget måste bekämpas av oss tillsammans för att undkomma ödesdiga förändringar, kränkning av mänskliga rättigheter och stora risker för rättssäkerhet. TILLSAMMANS BLIR ALLT MÖJLIGT!

REFLEKTIONER OCH SLUTSATSER

Efter att ha lyssnat på alla föredrag har det blivit klart att alla vi som är professionella utövare av tolkning och översättning – vi är överens om att vårt yrke är viktigt, att det kräver specialisering och djupa kunskaper, att det är rättsosäkert att inte ställa krav på tolkar och översättare och att tolkanvändare måste utbildas i hur man använder tolken eller översättaren på rätt sätt. Däremot är det också väldigt uppenbart att just vi som yrkesutövare är också de som har mest intresse för att lösa problem som uppstår, det är dock inte lika lätt att intressera personer med makt att förändra systemet. Att få tolkanvändare och tolkbeställare att lyssna är en mycket svår uppgift. Att träffas med varandra och berätta om vilka kompetenser en kvalificerad tolk eller översättare ska ha leder inte till något resultat. Det vet vi redan, det är inget nytt. Det vi måste arbeta på är sätt som får effekt, de sätt som får oss att nå ut med våra kunskaper till den breda publiken och i synnerhet – till beslutsfattare.

Det blev också väldigt uppenbart att tolkanvändare behöver mer kunskap om hur tolkade samtal fungerar och att tolkutbildning och träning ska vid någon tidpunkt genomföras gemensamt med de andra yrkesutövare. Svårigheten ligger återigen i det hur vi som yrkeskår ska övertyga de andra professioner om hur viktigt träning i tolkanvändning är.

En annan viktig aspekt som berördes under konferensen var AI och MT och dess påverkan på marknaden för tolk- och översättartjänster. Den gemensamma nämnaren var att marknaden ändras i riktning mot högre men icke fullständig och villkorslös acceptans för AI-genererad tolkning eller översättning. Kunder vet om AI och kommer att börja använda den med eller utan oss. Det förändrar redan processer för hur uppdrag förmedlas och vilka krav som ställs av beställaren. Slutsatsen är att vi behöver acceptera en värld där AI existerar och till en viss mån bidrar till slutprodukten, men där vi människor besitter expertkompetens för att säkra leveransen av kvalitativ produkt. Den största risken med AI hittills är ansvarsutkrävande och källkritik. Vi kan jobba med korrektur, men riskanalys, att avråda kunden från användning av AI i vissa kontexter, att korrigera och justera översättning gjord av AI, att finslipa den. På så sätt finns det alltid någon i leveranskedjan som kan hållas ansvarig för resultat. Vissa typer av tolkning och översättning, såsom rättstolkning, är så länge inte hotade då felaktigheter där innebär stora risker för rättsväsendet. Det kan dock komma att ändras i framtiden med teknikens utveckling. Ännu finns det områden där människan inte kan ersättas inom tolkning och översättning, men det går inte längre att ignorera AI intåget på vår marknad.

EULITA:s VERKSAMHETSBERÄTTELSE

- 10 April 2024: **33 full members**

In April 2024 2 full members (Alumni DUTIJ ESIT and Icelandic Association of Certified Court Interpreters) were deleted from the list of members.

- **40 associate members** (29 organisations and 11 individuals). In April 2024, 15 associate members were deleted from the list of members (5 organisations and 10 individuals).

Executive committee:

- Newly elected on **17 March 2023**, 6 members elected, 1 later co-opted by them.
- Roles distributed at the ExCom meeting on **30 March 2023**:
 - Barbara Rován president
 - Fernando González vice president
 - Petra Kameníková secretary
 - Aleksandra Podgorniak Musil treasurer
 - Monique Rouzet Lelièvre, Catia Lattanzi, Margareta McKenna members

10 online meetings, 2 correspondence sessions, appointment of two advisory committees and two EULITA representatives

- ***Case Law Advisory Committee***
 - James Brannan (CRETA), Chairperson
 - Evangelos Doumanidis (VVU e.V.), Member
 - Sophie Man-Cheung (AIT), Member
 - Christine Schmit (ALTI), Member
- ***Research and Training Advisory Committee***
 - Christiane J. Driesen, PhD, Hamburg University, Chairperson
 - Katalin Balogh, PhD, University of Leuven, Member
 - Lea Burjan, PhD, University of Ljubljana, DPTS President, Member
 - Mira Kadrić, PhD, University of Vienna, Member

- Mary Phelan, PhD, Dublin City University, ITIA Chairperson, Member
- Beate Sandvei, PhD, Norwegian School of Economics, Member
- **Representative of EULITA at ISO:**
 - Liese Katschinka, former EULITA President
- **Representative of EULITA at EU institutions:**
 - Daniela Amodeo Perillo, former EULITA President

Membership management

- Reminders for past membership fees

2023: EUR 3,513 recovered

2024: EUR 2,065 recovered

- Write-off relating to the period 2018-2022: EUR 7,620
→ some members were deleted from the list

Opening of a bank account

- strict European anti-money laundering legislation, Belgian banks follow the principle Know Your Client and wanted all 7 ExCom members to come to Brussels → EUR 2,500.
- Wise – online money transfer service

Legal counsel Karine Roobrouck checked that it is registered with the Belgian Central Bank.

Members to be informed about the details in May 2024

Annual conference: 16-17 March 2023 in Luxembourg

Legal Translation at National and International Level

ISO: June 2023, Liese Katschinka and Barbara Rován - annual meeting of ISO Technical Committee 37/Sub-Committee 5 in Brussels.

In 2023 and 2024, efforts were made to have the following two documents adopted in the future:

- The revision of the standard ISO 20228:2019 on legal interpreting, approved in April 2024.

→ necessary in order to include the topics of remote interpreting and artificial intelligence

- In the field of legal translation: a new work item Technical Specification: Certified Translations for Judicial Settings and Public Authorities, which will be presented at this year's ISO annual meeting in Brussels in June
- The ExCom has asked EULITA members to help it by supporting EULITA's initiatives via National Standardisation Bodies.

efsli: A new *Memorandum of Understanding* signed in September 2023 at the efsli conference in Thessaloniki, Greece

EULITA represented by the ExCom member Catia Lattanzi

FIT Europe: A *Memorandum of Understanding* in place since 2014,

EULITA represented by the ExCom member Aleksandra Podgorniak

Musil at FIT Europe conference in Athens

European Judicial Training Network: in November 2023, Daniela Amodeo Perillo represented EULITA at the EJTJN Expert Group meeting.

At the invitation of **KST ČR** Barbara Rován, in November 2023, took part in an online seminar on the occasion of St. Jerome's Day and gave a presentation on EULITA.

In November **KST ČR** asked EULITA to write a letter to the Czech Minister of the Interior to protest the use of "certified technical device" for interpreting in administrative proceedings.

Rättstolkarna

Genom Alina Frantsuzova och Margareta McKenna,

Ett stort tack till Anna Fotso Lundberg för översättning av texter från franska till svenska

Maj 2024