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Interpreters play in trials more active roles than expected

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The arrival of immigrants to Spain is a growing phenomena which has definitely affected the judiciary system of the country. Spanish borders are crossed daily by dozens of people from all over the world, who need to overcome two more obstacles after the problem of entry: cultural and language barriers, which sometimes become a true abyss.

Researcher Juan Miguel Ortega Herraiz from the Department of Translation and Interpreting of the University of Granada (Universidad de Granada [http://www.ugr.es]) has been the first to study the role of court interpreters in Spain. The aim of his research is to analyse how much perception interpreters have in their role and what the limitations of their work are. The doctoral thesis highlights the paucity of active court interpreters in Spain, as well as the existence of some organizational gaps which may end up diminishing the results of their work.

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This is an important problem because of the increasing number of languages which require translation during trial proceedings involving immigrants of many different nationalities and places of origin. For example, according to the information from Madrid Regional Justice Ministry, most of proceedings by freelance interpreters (23.70%) in 2003 were Arabic translations. The next-most translated languages were Portuguese (11.06%), Romanian (9.88), and Bulgarian (8.34%). On the other hand, the distribution of translated languages in trials changes in Andalusia (figures corresponding to the provinces of Almeria, Cadiz and Malaga): Arabic (29%), English (12%), Romanian (11%) and German (8%). Also, Bulgarian, Chinese, Ukrainian, Moldavian, Bengali, and sign languages are becoming steadily more common in Spain.

A total of 83 interpreters from 13 Spanish regional communities participated in the research of Juan Miguel Ortega, all of them belonging in penal fields (since in civil fields the state is not obliged to provide the services of a translator).

The doctoral thesis highlights several deficiencies in the working conditions of the interpreters. "Most ethical codes and oaths taken by interpreters show the need to be as literal as possible, without omitting or adding anything and without modifying the record of the different parties, in order to be faithful to the original", the researcher says.

However, his research has revealed that most of interpreters polled adapt the language of the person they are translating "in order to ease communication and work and bring the universes of the parties nearer, in spite of the great cultural asymmetries between them." Juan Miguel Ortega does not know whether the interpreters are aware of the importance of their decision, as it could greatly affect the court ruling.

Furthermore, most translators admit that they perform this cultural adaptation because "sometimes the very witnesses or defendants ask the interpreter about the proceedings, as they know nothing about them."

Awareness

"Concerning information addition, summary or omission", the researcher points out, more than a half of the interpreters polled admitted doing so, although many declare that they omit testimony only when repetitive or they try not to omit anything". This clarification suggests that some interpreters are in fact aware of the repercussions which their decisions can have on court testimony.

Regarding the way they perform that active role, explicitly or without warning the rest of the interlocutors, some 26% of interpreters declared that they do so "on their own initiative, without further consultation with the rest of interlocutors", while 32.5% "inform the judge for prior authorisation", and 18.2% do so "on their own initiative and afterwards inform the judge (and the rest of interlocutors)". The rest of the interpreters opted for "other techniques" or did not give an answer. To avoid interrupting and to speed up the proceedings were the reasons given by the polled interpreters gave for adapting the information.

The data compiled leads Juan Miguel Ortega to conclude that court interpreters have more active roles than was initially assumed. More importantly, the results of his thesis suggest that the decision making of the interpreter is conscious in many cases and moves clearly away from the 'legal equivalent' model proposed in US courts (the court translator should be as literal as possible, without omitting or adding anything and without modifying the record of the parties in order to be faithful to the original).

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rules in our country which specify the functions and limitations of the role of court interpreters, contrary to the situation in the US with the Federal Court Interpreters Act, for example". The author of this doctoral thesis intends for his work to prompt society to consider "the need for some sort of regulation to control the difficult role of the court interpreter in Spain and adjust it to the specificities of the judicial and procedural system of our country."

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