

## **Introduction: Quality in legal translation**

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### **ABSTRACT**

This article introduces a special issue on quality in legal translation. It situates legal translation in today's context in the landscape of professional translation and Translation Studies and this issue as primarily inspired by the European project, Quaetra which focuses on translation procedural rights in criminal proceedings. The article then proceeds to describe the project before proposing an overview of the contributions to this issue.

### **KEYWORDS**

Legal translation, translation quality, terminology, Quaetra, essential documents, Directive 2010/64/EU.

## **1. Context**

Legal and institutional translation have always been corner stones of professional translation. It is also one of the most challenging areas in specialised communication. The peace treaty of Kadesh was written in Akkadian language by the Hittites, translated into Egyptian, and sent to Egypt for consideration on a silver tablet in 1295 BC. It is one of the earliest translations discovered and the care taken in the linguistic and physical production of this document reflects its vital role in ensuring an alliance between the two largest powers of the day. So important is the symbolism of this international diplomatic document today that its original Akkadian version has been reproduced on the entrance gates of the Security Council Chamber of United Nations in New York as a reminder of the peace mission of the UN. History, as we know, usually records the side of the winners who often ignore both language and legal systems of the defeated and impose their own. Translators are involved in such rewritings of history and sometimes blamed for them. As networks of connection have expanded in number and complexities since the end of the Second World War, legal translation has been at the forefront of new developments. Simultaneous interpreting was born of the Nuremberg trials for instance. Extensive globalisation and the establishment of the European Union have also led to the birth of lawyer-linguists who ensure a greater accuracy and quality in the translation of legal and institutional texts across linguistic and political systems. The importance of this area is mirrored by the expansion of books and special issues on legal themes in Translation Studies. Since Esther Monzó (2010) published her "Bibliography for the Study and Practice of Legal, Court and Official Translation and Interpreting," a number of key books and journal special issues have appeared (Biel and Engberg 2013; Biel 2014; Blasco Mayor and del Pozo Triviño 2015; Frölich 2016). In addition, important European projects are currently active, such as the Eurolect Observatory and the Quaetra project.

The idea of a themed issue on quality in legal translation was inspired by the Qualettra Project and for this reason, this introduction gives an overview of the scope and achievements of the project.

## **2. Summary of the project**

Qualettra, Quality in Legal Translation, is a project which is financially supported by the Criminal Justice Programme of the European Commission Directorate General Justice (DGJ) and ran from 19th November 2012 until 18th November 2014. Qualettra aims at achieving common minimum standards of procedural rights in criminal proceedings by ensuring that the basic rights of suspected and accused persons are sufficiently protected through the translation of the Essential Documents (EDs) as referred to in Article 3 of Directive 2010/64/EU, both in national proceedings and in cases involving the European Arrest Warrant (EAW). At the same time, Qualettra monitors the typical work environment of legal translators (LTs) involved in cross-border cooperation in criminal proceedings. In order to enhance mutual recognition, measures of promoting mutual trust are crucial, and such trust ultimately relies on assuring reliable communication in a multilingual EU where the translation of the EAW is essentially a cross-border activity.

The consortium members of the project are law associations and universities. The participating universities are members of the European Master's in Translation (EMT) network and the *Conférence internationale permanente d'instituts universitaires de traducteurs et interprètes* (CIUTI), both offering top-ranking translation programmes. KU Leuven, the Qualettra coordinator, solicited partners with a wide experience in legal translation, curriculum design, and research on issues related to legal translation. The partnership with EULITA guarantees close links with the professional associations of legal translation. The membership of CCBE and ECBA, which have a longstanding recognised experience in criminal proceedings, consolidate the cooperation with LPs who are a considerable target group in this project.

The full list of co-beneficiaries includes the Council of Bars and Law Societies of Europe (CCBE), Dublin City University, the European Criminal Bar Association (ECBA), the European Legal Interpreters and Translators Association (EULITA), the Institut de management et de communication interculturels (ISIT), London Metropolitan University, Riga Graduate School of Law, Universidad de Alcalá, Universidad Pontificia Comillas, and Università degli Studi di Trieste (UniTs).

## **3. Objectives and output**

The project objectives focus in the first place on corpus related research, more in particular on the genre analysis of the EDs (decisions depriving a person of liberty, charges brought against a person, indictments charging a

person of a crime, judgements and decisions ending the criminal proceedings related to the criminal offence by the victim including at least a summary of the reasons for such a decision) and the EAW with a view to defining indicators, templates, regular expressions and terminology in order to achieve a high-quality translation of these documents. This research aimed at building a corpus of EDs and a multilingual term base for LTs and legal practitioners (LPs), double-checked for relevancy by legal experts from ECBA, CCBE and EULITA. Next, translation memories (TMs), samples of EAWs including the most frequent archetypical phraseologies, recurrent phraseologies of the EDs, and facsimile samples of three types of EDs complete this research output. LTs are able re-use these materials to help them understand the structure and layout, the content, and the phraseology of the EAW related documents. In the context of EAW related research, a specific training course on translating the EAW has been developed, integrating the above resources.

The second range of objectives is training related: developing a core curriculum and a sample of training materials for LTs, based on an EU-wide survey and a customised grid of competences for LTs. Another objective related to training for LPs is the development of curricula guidelines for best practices on working with LTs, including a sample module that focusses on the specific working conditions experienced during the translation of documents related to the EAW. An important feature of the curriculum is the focus on the LT's autonomy vis-à-vis constraints imposed by various actors in criminal proceedings (judge, prosecutor, etc.) and the need for the LT to act as a competent actor (e.g. access to the criminal file, input on the relevance of the passages in EDs that need to be translated and on the level of translation quality sufficient to safeguard the fairness of the proceedings).

The third category of objectives privileged by Quaetra involves the development of testing, evaluation and assessment procedures, and the development of EU-wide recommendations and best practices for testing, evaluating and assessing legal translations. The testing related objectives are based on a survey regarding the current practices observed in the context of translation evaluation in criminal proceedings.

#### **4. Deliverables**

We present hereunder the four work streams (WSs) of the project responsible for the deliverables of the project.

##### **4.1. WS1: Essential Documents (ISIT)**

One of the main challenges in legal translation is the ability to understand and to render the lexical and discursive patterns of the domain language involved. The culture-bound and institutionalised nature of law as well as its typical jurisprudential style demand a substantial understanding of the

domain, and a well-established knowledge of its terminology and its phraseologies.

In order to cope with such a challenge, a comparable multilingual corpus has been built on the basis of anonymised and converted authentic EDs, which resulted in a parallel multilingual term base of the EDs in Dutch (Belgium), English (United Kingdom and Ireland), French (Belgium and France), Italian and Spanish. This resource proves to be a useful instrument for translating EAWs and EDs. A list of quality parameters and indicators, including the archetypical structure of the EDs such as they appear in the EU Member States involved in Qualettra, are also useful resources for the LTs and the LPs. The EDs based on the three most frequent offences (theft, drug trafficking, and fraud) as well as the national codes of the EU Member States involved, have been analysed by Sketch Engine which resulted in a collection of comparable multilingual phraseologies, ready to be integrated by LTs in their TMs, and/or to be used as a reference corpus.

#### **4.2. WS2: European Arrest Warrant (London Metropolitan University)**

Parallel to the genre analysis of the EDs, Qualettra has performed a genre analysis of the EAW with a view to defining indicators, templates, and EAW specific phraseology and terminology. Existing parallel templates of the EAW are converted into a TM fit to pre-translate EAW related materials. In WS2, a course has been developed for the ECQA Legal Translator in Criminal Proceedings training. It consists of the development of a module related to the translation of the EAW, which is designed in close connection with WS3. The WS2 training focusses on legislation supporting the EAW, familiarisation with the process of issuing an EAW, offences covered by the EAW, definition and main features of the EAW, and language policies regarding the EAW practiced in the consortium's EU Member States.

#### **4.3. WS3: Development of core curricula and training materials (UniTS)**

WS3 developed a survey-based identification of the competences and skills making up the professional profile of LTs. This customised "EMT wheel of competences" has been positively appreciated by master-level and CPD programmes in legal translation. This exercise has been complemented by skill cards which prove to be a useful basis to adapting existing training programmes and/or to introducing entirely new programmes. The skill card is the basis for designing course modules with the ECQA. A customised ECQA training format has been adopted by the Qualettra consortium because of its flexibility. As a result, specific training elements are ready for use in regular programmes offered by all EMT universities. Alternatively, parts of the ECQA package specifically designed for Qualettra can be grafted on regular master degree programmes. The target group (institutions offering training for LTs and LPs) can benefit from each of these formats, and are

able to offer e.g. the translation of the EAW and its related EDs in their curriculum.

Qualetra and the ECQA created a solution to cater for the need that has long existed when it comes to translating the EAW: translators and practitioners will have an improved knowledge of the EAW and its translation challenges, and will have gained an increased awareness of the difficulties arising from multilingual and institutional differences between EU Member States' legal systems and the implementation (or not) of Directive 2010/64/EU. For the LPs, curriculum guidelines have been designed for enhancing communication efficiency so that they will be able to cooperate better with LTs in criminal proceedings. A tangible result is a ready-for-use vademecum posted on the EULITA website which proposes basic guidelines on the collaboration between LTs and LPs.

#### **4.4. WS4: Testing, evaluation and assessment of legal translation (KU Leuven)**

WS4 has focussed on the development of testing, evaluation and assessment procedures for LTs. With a view to minimise subjective evaluations, a fit-for-purpose translation evaluation method, named PIE method (Preselected Items Evaluation), has been adopted and has proven to challenge generally applied evaluation methods. Validity and reliability of this evaluation method are corroborated by experimental research undertaken in three consortium universities, and by disseminating a survey in universities and translation services on the pros and cons of today's generally applied evaluation methods. When it comes to evaluating legal translations, PIE allows evaluators to work in a transparent and an objective manner. This method boosts intrarater and interrater reliability when it comes to giving marks to candidates who e.g. register for the ECQA test of the certified training of Legal Translator in Criminal Proceedings.

### **5. Results and impact**

The outputs and deliverables listed above can be directly used by legal translation programmes, LTs, LPs and policy makers in the EU Member States. The project focusses on actions that have an impact on curriculum development, assessment procedures and certification strategies in order to improve the training of LTs and to raise the awareness of LPs with regard to the specific working conditions of LTs, generating a coordinated interaction with LTs.

The expected overall impact is the conduction of transparent, cost-effective criminal proceedings in the EU courts guaranteeing the rights of suspected and accused persons as is stipulated in Directive 2010/64/EU, and an efficient interaction with the beneficiaries of such translation services including police, prosecutors, court staff, judges, lawyers and professionals providing victim support. EU Member States will feel encouraged to

implement as soon as possible Directive 2010/64/EU, because their universities and training organisations have at their disposal a user-friendly consensus based agreed framework able to provide an EU-wide training of LTs and LPs in the EAW context.

The project presents for the first time survey results of curricula, best practices, valid and reliable assessment procedures in the field of translating criminal proceedings, including the EAW. It addresses the need of building an EU-wide consistency and mutual trust in respect to the quality of legal translation programmes. To achieve this, it proposes an overall systemic chain of quality for legal translation in criminal proceedings, practical tools for valid and reliable evaluation, guidelines and recommendations on legal translation, and practical tools to respond to Directive 2010/64/EU. The project attempts to deliver resourceful instruments leading to high-quality translations of the EAW as is required by Directive 2010/64/EU and its subsequent transposition and implementation processes.

The training and resources (corpora, term base, TM, and facsimile examples) created by the project contribute to the direct improvement of the legal translations made by LTs specialised in criminal proceedings and the EAW. Moreover, one of the project's expected results is an increased awareness of best practices for LPs when they need to cooperate with LTs. These results will contribute to safeguarding the procedural and defence rights for suspected and accused persons, which is one of the priorities of the Criminal Justice Programme.

## **6. Present contributions**

The articles in the present issue address a wide range of topics central to quality in legal translation. The papers explore quality in relation to a variety of themes ranging from challenges in the translation of legal documents, aspects of legal translation in the context of EU institutions, legal translator training and the much debated issues of assessment and evaluation of legal translations.

Hara argues that intervention of governments and law enforcement agencies together with appropriate translator specialisation and qualification could offer an efficient way to ensuring higher quality in the translation of legal proceedings. Scarpa and Orlando investigate competences and skills required for the translation of criminal proceedings and suggest an integrated model for the training of prospective translators in this specific legal sub domain. Brannan looks at the scope of the right to written translation in criminal proceedings in the specific context of the European Court of Human Rights while Čavoški draws attention to challenges raised in the translation of legal documents stemming from the new and hybrid nature of the EU legal system.

In his paper on the translation of names of state bodies in legal texts Paolucci suggests a series of translation strategies for the transfer of critical terms based on text type and text function. Krogsgaard Vesterager discusses to what extent explicitation is used in the translation of judgements by expert and non-expert legal translators and Ross and Magris investigate quality and functionality in the translation of the European Arrest Warrant addressing such issues as terminology, morphosyntax and discursive strategies.

Kockaert and Segers consider the different meanings of 'translation evaluation' and argue that there is a need for different evaluation approaches such as the PIE method (Preselected Items Evaluation). Chiocchetti and her co-authors, Wissik, Lušicky and Wetzel contribute a paper on terminology and terminology management as crucial aspects of quality assurance in the production and the translation of multilingual lawmaking. Last but not least, Phelan considers the suitability of the American Translation Association system of assessing translation to the assessment of legal translation.

The concept of translation quality links the academia and the professional world. We hope this collection of articles on Quality in Legal Translation will offer stimulating reading, not only to academics but also to professional translators and institutions involved in the provision of legal translation.

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