

The Irish Times - Monday, June 7, 2010

No quality controls laid down for courts and Garda translators



Mary Phelan of the Irish Translators and Interpreters Association. “We find it hard to understand how the State can spend millions of Euros a year on interpreting without any auditing of contracts or quality control.” Photograph: Dara Mac Dónaill

ANALYSIS: A review of interpreting standards in the justice system was ordered in 2003 but little appears to have changed, writes **CARL O'BRIEN**, Chief Reporter

WHEN ADAR Odon travelled from Mongolia to Ireland, he wasn't yet 18. His plan was to study English at the Dublin School of English for six months and then return to his home country to take up a place in university.

Those plans changed dramatically when he was accused of a sexual assault. He spent the next year in Cloverhill Prison awaiting trial.

When the case eventually came to court, serious flaws emerged in how gardaí had handled the case. The most serious error though was that an interpreter had not translated any of Odon's rights when they were read out by a garda.

“I still don't know what he said,” he told *The Irish Times* following the case. “I just spoke in my own language.”

The judge in the case directed the jury to find him not guilty on the basis that his detention was illegal. The non-translation of his rights meant there was no opportunity to test the evidence brought forward against him.

That case in 2003 prompted a review of interpreting standards both in Garda stations and in other parts of the justice system – but has anything really changed?

Not much, according to professional interpreters and others involved in the legal system. Most interpreters and translators working for the courts and the Garda have no qualification in interpreting.

There are no written regulations or legislation governing the industry, nor are there any accreditations, standards, or qualifications. In other countries, such as Britain and Sweden, there are clearly defined guidelines and minimum standards in place.

In Ireland, however, it is possible that anyone who can speak two languages can call themselves an “interpreter” or a “translator”, as there is no official accreditation or standards or written guidelines relating to the industry itself.

In practice there is no monitoring of quality or testing of standards, no requirement for documentation of competence or proficiency; there is a lack of guidelines and no national register.

The Irish Translators and Interpreters Association has long-standing concerns.

“Court interpreters are interviewed but not tested to establish if they can interpret accurately,” says Mary Phelan, the association’s spokeswoman.

“They attend a one-day training course which is totally insufficient. Most interpreters who work in Garda stations have received no training. We have no doubt that some interpreters are very competent, but we are also quite sure that many are not up to the difficult task of interpreting.”

The fact that a person speaks English well does not mean that they have the in-depth knowledge of two languages that is needed to interpret competently, the association maintains. The consequences for potential miscarriages of justice are obvious.

“Incompetent interpreting could mean that a witness statement is incorrect. It could mean that a defendant does not understand the evidence against him or her in court,” Phelan adds.

“We find it hard to understand how the State can spend millions of euros a year on interpreting without any auditing of contracts or quality control.”

KATE WATERHOUSE IS a PhD candidate at the school of social work and social policy in Trinity College Dublin. She is finalising her research on access to justice among people with limited or no English.

As part of her research, she spent eight months at district courts in Dublin and outside the capital examining how interpreters worked in hundreds of individual court cases. What she saw, she says, was shocking.

Among her observations were that interpreters were not interpreting crucial information to defendants, such as the facts of the case or the bail conditions; the standard of English among some interpreters was poor, with some who did not have the English for basic legal terms like “solicitor” or “sentence”.

“There is room for potential disaster,” Waterhouse says. “In a huge number of cases the facts weren’t interpreted – what a person was charged with, if there were aggravating circumstances. These are very important details that a defendant should be able to understand and challenge if necessary.”

The Courts Service says that on the vast majority of occasions where an interpreter is used, there is no issue or concern over standards. “Where an issue of a lack of clarity or understanding arises, the dynamic of the court setting makes this apparent,” a Courts Service spokesman says.

“On these rare occasions, the interpreter is replaced.”

IT SAYS concerns over quality were raised in just 15 out of 10,000 cases in court last year.

It has signed a contract with the biggest interpreting firm in the State, Lionbridge, worth about €3 million a year. The contract sets out four different qualification levels as the “goal for interpreters” – but most of the emphasis is on language competency rather than competency in interpreting.

The quality of interpreting from Lionbridge has been queried by judges a number of times. In addition, a number of freelance interpreters used by the firm, who spoke on condition of anonymity, say they have never been tested for their proficiency.

In a statement, Lionbridge said it was proud of the high levels of quality if provided. It has “a stringent recruitment and qualification process”. It says it has an extensive quality assurance programme and its clients include US and EU governments.

There are also concerns over interpreting services used by the Garda. It uses a number of interpreting firms, as well as individual freelance interpreters.

Tom O’Sullivan, a detective attached to Interpol, is a member of the Garda Representative Association. He says interpreters are not vetted and there is no system to check basic accreditation and language proficiency.

At a recent GRA conference, he gave the example of a Chinese interpreter hired to help interview a suspect. It later turned out the interpreter himself was an illegal immigrant.

“Any foreign national with a mobile phone and a notepad who speaks reasonable English can operate as an interpreter in a completely unregulated environment,” he told the conference.

The supply of qualified professionals is also a problem. There is just one university course in Ireland which provides specific qualifications for interpreting. Pay can also be poor.

Following a Courts Service request for a reduction in fees, the take-home pay for most interpreters has fallen from €25 to €18 an hour. This makes interpreters in Ireland some of the lowest paid in Europe, says the Mary Phelan.

INTERNATIONALLY, research shows that best practice for interpreting includes minimal requirements in order to have a coherent, high quality service for governments.

In Britain, they have a register of public service interpreters – the national register of public service interpreters – who are fully tested for professional competence and must provide proof of security clearance.

The State body which used to advise the Government on intercultural issues – the NCCRI – recommended establishing a register of accredited interpreters on which public service providers could rely. The report was never adopted. The NCCRI has since been closed down by the Government.

The situation, say those with concerns over standards, will never improve unless plans are drawn up to monitor standards and provide proper training. Otherwise, the rich potential for error, breach of fair procedures and miscarriage of justice will remain.