



**IRISH TRANSLATORS' and INTERPRETERS' ASSOCIATION  
CUMANN AISTRITHEOIRÍ agus ATEANGAIRÍ na hÉIREANN**

Submission to the Working Group to report to Government on improvements to the protection process, including Direct Provision and supports to asylum seekers.

March 2015

## **The Irish Translators' and Interpreters' Association**

The Irish Translators' and Interpreters' Association (ITIA) was founded in 1986 as a not-for-profit organisation. It is the only professional association in Ireland representing the interests of practising translators and interpreters. The ITIA aims to promote the highest standards within the profession and to foster an understanding among translator and interpreter clients of the highly-skilled and exacting nature of the profession. To this end we have introduced translation tests for professional membership and a separate test for professional members who wish to specialise in the translation of legal documents.

The ITIA has made a number of submissions to the Courts Service (2002, 2008 and 2011) and to the Garda (2003, 2006, 2007), in which we have outlined our concerns with the system of interpreter recruitment. The submissions are available on our website [www.translatorsassociation.ie](http://www.translatorsassociation.ie).

## **Lack of Regulation**

In Ireland, translation and interpreting are completely unregulated, which means that anyone can call themselves a translator or an interpreter and can work without restriction in these fields. The ITIA would very much like to see a regulatory system in place, whereby translators would have a qualification in translation, and interpreters would have a qualification in interpreting.

Lack of regulation is a problem, not only for the asylum process, but also for other areas, particularly police interviews and the courts. We believe that, if a solution is to be found, this issue needs to be approached holistically and the solution must involve both training and testing for interpreters who work in all these areas.

A report was commissioned by then Minister of State Conor Lenihan some years ago and published in 2008. The title is *Developing Quality Cost Effective Interpreting & Translating Services for Government Service Providers in Ireland* and is available online. The study recommended a whole of government approach, the setting of standards and qualifications, and the establishment of a register of accredited practitioners. There have been no further developments on that front since 2008.

Directive 2010/64/EU on Legal Translation and Interpretation in Criminal Proceedings mentions quality:

8. Interpretation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence.

The Department of Justice, Garda and Courts Service have made no changes to the system of interpreter provision since this directive came into force in October 2013.

### **Interpreter Training**

Many interpreters contact the ITIA about training because they realise that they need some or they presume that training is a requirement. There is no longer a properly accredited training course in Ireland.

The Graduate Certificate in Community Interpreting was established by Mary Phelan at the School of Applied Language and Intercultural Studies at Dublin City University in 2004, and ran until 2009. This was a one-semester course and interpreters from all over the country attended. A key element was an interpreting module where students had an opportunity to practise interpreting between English and their other language. Five languages - French, Spanish, Russian, Romanian and Polish - were covered over the five-year period. Graduates were not prioritised for work and were paid the same rates as interpreters who had no qualifications. DCU has built up expertise in this area and may be willing to offer training again in the future.

### **The Asylum Process**

It is important that the translation of asylum seekers' application forms into English is accurate and corresponds to the original source text.

When asylum seekers attend for interview at the Office of the Refugee Applications Commissioner, their oral account is extremely important. Members tend to focus on inconsistencies in asylum seekers' accounts of why they have fled their home country. In

this situation, it is essential that, where applicants are not proficient in English, the interpreter is competent.

Similarly, at the Refugee Appeals Tribunal, it is essential that the interpreter should be competent.

If any asylum seekers are deaf, they may need more than one interpreter; one from their sign language into another language, and possibly another from that language into English.

The current system of interpreter provision has developed in such a way that there are no guarantees that the interpreting provided is competent; while there may be capable interpreters in the system, it is likely that there are many more who, because they have not been able to avail of proper training, and because their interpreting ability has not been tested, are unable to provide competent interpreting.

### **Tendering Process**

The Minister for Justice & Law Reform issued a Request for Tenders (RFT) To Establish a Framework Agreement for the Provision of Interpretation Services in February 2011. We are not sure if ORAC and RAT are still operating within this framework agreement in 2015. Even if this is not the case, we expect that the conditions are similar to those outlined in 2011. We have no issue with Garda vetting. Similarly, we have no issue with interpreters disclosing prior acquaintance with “customers”, respecting confidentiality, being impartial and professional, signalling conflicts of interest - all ethical issues that we would expect to find in a code of ethics for interpreters rather than in a framework agreement. We do take issue with the following points:

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| <p>2.5.3 The onus will be on the Service Provider to ensure that interpreters providing the interpretation services must –</p> <ul style="list-style-type: none"><li>• Have, at a minimum, FETAC Level 5 standard of education;</li><li>• Have, at a minimum, 70 hours of experience in providing interpretations services previously;</li></ul> |
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- Have been trained in interpreting techniques and procedures;
- Provide genuine and accurate interpretations;

The standards are set at an extremely low level and the onus is on the service provider to ensure that interpreting is accurate. FETAC Level 5 is equivalent to Leaving Certificate, so basically means has completed secondary level education. This is far too low a level for interpreters, particularly in areas like interpreting for ORAC and RAT, because it is essential that everything is interpreted accurately. The provision that interpreters must have 70 hours of experience is no guarantee that the interpreter will be competent. We have come across experienced interpreters who had acted as interpreters in a number of settings, but who could not provide competent interpreting. Some interpreters will learn as they work and will make a deliberate effort to learn new terms and to improve their work but mere experience is no guarantee of competency.

Interpreters must 'have been trained in interpreting techniques and procedures'. This becomes the job of the company or companies that win the contract. They may organise a half-day course which interpreters attend where they are told to use the first person (e.g. I saw rather than he or she saw), how to do consecutive interpreting and are made aware of ethical issues. And that's it. Some companies do not even provide that half-day training. All in all, this type of 'training' is pretty meaningless. For people to understand and internalise ethical issues, they need to have an opportunity to go into them in depth and to discuss them.

Finally, interpreters must 'provide genuine and accurate interpretations'. We are unsure what a 'genuine interpretation' is. The simple fact is that a person who speaks English and another language, has secondary level education, attends a half-day's training, but has never been trained or tested, cannot possibly provide 'genuine and accurate interpretation'. It just cannot happen.

Over the years the tendering process has led to lower costs for ORAC, RAT, the Courts Service, the Garda Síochána etc but the rates of pay for interpreters have fallen so much that many of the more competent people have left as they are unwilling to work for €15 or

€12 per hour gross. Interpreters are usually not entitled to claim for travel time, bus or train fares, mileage or parking fees.

### **Refugee Appeals Tribunal**

Members of the Refugee Appeals Tribunal, who are paid per case, may be reluctant to adjourn a hearing on the grounds of poor quality interpreting.

In the past, some interpreters reported that they were directed not to interpret legal argument. We would argue that this is not acceptable – if the person understands English, they will understand the legal argument. Therefore, it is discriminatory not to allow an interpreter to interpret such information to a person who does not understand English.

While we appreciate the need to respect the confidentiality of applicants, the fact that Refugee Appeal Tribunal hearings are held in private means that interpreters who have no previous experience of this area cannot sit in on proceedings to learn how they work.

### **Recording**

Given the issues associated with interpreter provision across 50 languages, the ITIA believes that there is an urgent need to record all interpreted sessions at ORAC and at RAT. These recordings should be made available to the applicants and their legal advisors. A percentage of recorded interviews should be vetted by a reputable independent third party (similar to the system whereby ORAC has a percentage of translations checked).

### **Medical Interpreting**

While interpreters are provided at Baleskin Reception Centre for people who need to access medical services, this is not always the case for asylum seekers staying in the 31 direct provision accommodation centres around the country when they visit local GPs. All too often, people are dependent on other family members or other people staying at the

accommodation centre to interpret for them. This means that there is no patient confidentiality and may mean that some people are reluctant to access medical services.

### **Language Analysis**

The ITIA supports the *Guidelines for the Use of Language Analysis in Relation to Questions of National Origin in Refugee Cases* by Diane Eades et al. The crucial point in the *Guidelines* is that if language analysis is to be reliable, it 'must be done by qualified linguists'.

Dr Mary Phelan, Chairperson

Irish Translators' and Interpreters' Association

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