

The “Court Interpreter” The Case of Slovenia

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Content

- The “Court Interpreter” and the “Sodni Tolmač”
- Court Interpreters in Slovenia
- The Judicial Training Centre (CIP) and the Min. of Justice of the Rep. of Slovenia
- The Association of Sworn Court Interpreters and Legal Translators of Slovenia

The “Court Interpreter”

- **Interpreting** in court proceedings and for officials
- Variety of **names** in English
 - **Court Interpreter** (in court, by court appointment, outside the courtroom)
 - **Certified Court Interpreter** (term used in Europe and Canada)
 - **Accredited Interpreter** (deemed by the court management as acceptable)
 - **Court Translator** (rare and archaic term)
 - **Legal Interpreter** (term used for sb working for a law office, misused for court interpreter)
 - **Judicial Interpreter** (term used in US meaning Federally Certified Court Interpreters, includes other meanings too)

Terms Relevant to Court Interpreting in German

The following books focus mainly on interpreter training, less on term definition

- **Juristisches Dolmetschen und Übersetzen**, Driesen, Ch./Petersen, H.-A., Gerichtsdolmetschen, 2011:3, (⇒ *Legal Interpreting and Translation*)
- **Dolmetschen bei Gericht**, Kadrić, M., Dolmetschen bei Gericht, 2006:1, (⇒ *Interpreting at Court*)
- **Dolmetschen für den Justizbereich**, In: Reflection Forum, 2009:10, (⇒ *Legal Interpreter/Interpreting*)
- **Erbringung von Gerichtsdolmetsch- und Übersetzungsdienstleistung in Strafverfahren**, Hertog, E./van Gucht, J., Status Quaestionis 2008:10 (⇒ *Legal Interpreting and Translation*)

The “Sodni Tolmač”

- Legal Provisions on Court Interpreters in Slovenia
 - **Courts Act** (UL RS 94/2007 + amendments UL RS 1/2012, UL RS 35/2013)
 - **Rules on Court Interpreters** (UL RS 88/2010)

Rules on Court Interpreters

Article 2(1)

“**Interpreters** are people who have been appointed for an unlimited mandate to **translate spoken and written language** from Slovene into a foreign language, from a foreign language into Slovene and from a primary foreign language into a secondary foreign language in court proceedings and other cases, where a court interpreter is needed. [...]

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The Understanding of the “Court Interpreter” in Slovenia

- CIs produce written translations of legal texts, equipped with **ribbon, seal, stamp, signature** and **statement** of truth, accuracy and completeness.



The Understanding of the “Court Interpreter” in Slovenia

- The CIs are appointed in proceedings and other cases (barrister, notary, registrar, ...) where legal interpreting (mostly consecutive) is needed.



Court of First Instance, Ljubljana

First Mention of Interpreters for Slovene in Court

- In 1538 there is a first evidence of the mention of an interpreter for Windisch (die windische Sprache)* (**Vorsprecher** or **Fürsprecher**), who in return for a payment should assist in litigation those who had insufficient command of German.

**Windisch was used by Germans to denote Slavic people and their language in general. Until the 19th century the German term “die windische Sprache” was used in particular to denote the Slovene language in Carniola, Carinthia and Styria.*

peißiger, procurator, zuchtinger und die personen, so fur recht gestellt,
aneinander der teutschen und windischen sprach halben
nit versteen, darauß abzunemen, was zu zeiten fruchtpars in jölichen
sachen gehandelt wirdet. Aber doch will ain L. geraten haben, daß
der herr landhaubtman und herr vizdom, der R. M. landrät auch
etlich anjehlich verständig landleut für sich ervordern und ain
ordnung des malefizrechten und peinlichen frag halben infals des
R. bevels furnemen und verfassen, doch darin albeg bedacht werde,
damit ain panrichter und anclager, so die windisch
sprach fhunen, geordent und fürgenomen, und um ir besoldung
und underhaltung auf die edlinger in der graffschaft Cili, wie vor-
gewesen, oder in ander zimlich weg, von der R. M. verweist werden,
diemeil es gegen ainen solchen hohen werch ainen clainen costen oerert."

**Land- und peinliche Gerichtsordnung Erzherzog Karls II. für Steiermark
vom 24. Dezember 1574; Fritz Byloff, 1907**

Rules on Court Interpreters

- **Uredba o stalnih sodnih tolmačih** (Decree on Sworn Court Interpreters), February 16, 1949, (UL LRS 7-30/49) 1949–1957
- **Pravilnik o stalnih sodnih tolmačih** (Rules on Sworn Court Interpreters), January 11, 1968, (UL SRS 1/68) 1968–1990
- **Pravilnik o sodnih tolmačih** (Rules on Court Interpreters), March 29, 1996, (UL RS 17/96) 1996–2013

Rules on Court Interpreters (UL RS 88/2010)

- Consists of **55 articles** (in 1949 only 19)
 - Appointment and Discharge of CIs,
 - Board of Legal and Linguistic Experts,
 - Examination Details
 - Costs
 - Seal and Court Interpreter ID
 - Statement of Accuracy and Completeness
 - Record of all CIs Translations produced (with CIs seal and statement)
 - Supervision of CIs
 - Reimbursement
 - Remuneration
- **Article 29a**
 - **Evidence of continuing professional development in form of attendance at 5 seminars in 5 years**

Remuneration (2010)

- **Written translation** (1500 characters without spaces = 1 page)
 - Foreign language into Slovene 25 EUR
 - Slovene into foreign language 37 EUR
 - Foreign lang. into foreign lang. 41 EUR
- **Interpreting in the courtroom**
 - Every 30 minutes of interpreting 35 EUR
 - Every 30 minutes of waiting time 10 EUR

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Ministry of Justice of the Republic of Slovenia

- Responsibilities and actions (past and present):
 - **Continuous training** of judges, state prosecutors, state attorneys, court personnel
 - Bar examinations, **examinations** of court interpreters, court experts, court appraisers
 - Maintains a **list** of all experts, publicly accessible on the ministry's website
 - In 1998 – **agreement** between Ministry and Supreme Court regarding the initialization of a judicial training center responsible for continuous training
 - In 2005 – passage of Courts Act amendment for setting up the **Judicial Training Centre “CIP”** as an independent body with own facilities

The Judicial Training Center “CIP” (Center za izobraževanje v pravosodju – CIP)

- Organizes **2-day Introductory Legal Seminars** + **1-day Language Specific Workshops** (1-2/p.a.)
- Cooperates with **experts** from the justice system, the Faculties of Arts and of Law, court interpreters and associations
- **Legal topics** (seminar): essential provisions of Slovenian law with focus on the involvement of court interpreters, EU Law, Constitution, Criminal Law and Procedure

Costs

- **2-day Introductory Legal Seminar**
 - 427.73 EUR
- **1-day Language Specific Workshop**
 - 186.70 EUR
- **Court Interpreter Examination**
 - 275.71 EUR
- **Seminar material**
 - 71.60 EUR

New Guidelines for Examiners of CIs

The new guidelines for examiners of CIs were introduced in **April 2014**. :

- The criteria introduce a clear exam protocol
- Give instructions to exam preparation (esp. length of texts, topics, expected translation technique)
- Suggest choice of texts
- Give assessment criteria of written and spoken language competence

New Oral Exam Pattern in Slovene and Target Language

1. Checking Language skills
2. Showing Capability of Explaining a Legal Action or Element
3. Sight Translation
4. Consecutive Interpreting
5. Knowledge of Legal Terminology
6. Constitution
7. Judiciary System
8. Civil Code
9. Social Security
10. Company Law
11. Criminal Code
12. The Court Interpreter's Role, Rights and Duties
13. EU Law
14. International Legal Aid

List of Court Interpreters (Min. of Justice) Languages and Numbers (August 2014)

- **37** Languages or specific language expertise (in 2009: 34)
 - **31** Languages (in 2009: 28) represented by **883** LITs*
 - **7** Entries with specific language expertise represented by **31** “CIs”
 - Gothic script 1
 - Flemish and Holandish 1 + 1
 - Greek and New Greek 1
 - Serbo-Croatian 21
 - Latin 1
 - Sign Language 5

*A court interpreter may be sworn for more than just one language, hence the number of LITs is smaller than 883.

From Most to Least Represented Languages (August 2014)

Well Represented Languages

- **German** **258**
- **English** **193**
- **Croatian** **82**
- **Italian** **74**
- **Serbian** **66**
- **French** **50**

Moderately Represented Languages

- **Arabian lang.** **21**
- **Albanian** **18**
- **Bosnian** **17**
- **Hungarian** **17**
- **Russian** **17**
- **Macedonian** **14**
- **Spanish** **13**

From Most to Least Represented Languages (August 2014)

Least Represented Languages

- **Czech** 6
- **Chinese** 5
- **Bulgarian** 4
- **Polish** 4
- **Montenegrin** 3
- **Iranian** 3
- **Romanian** 3
- **Slovak** 3
- **Turkish** 3
- **Greek** 2

Only 1 court interpreter

- **Finnish**
- **Dutch**
- **Japanese**
- **Urdu**
- **Swedish**
- **Ukrainian**

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Association of Sworn Court Interpreters and Legal Translators of Slovenia

- Foundation **announced in 2009** at EULITA General Assembly, Antwerp
- **90% of respondents** (total 191) supported the idea of founding **an independent Association of Slovenian court interpreters** (Diploma Thesis, Lotrič 2011)
- Association **founded in February 2012** in Ljubljana
- Currently **79 full members** (out of approx. 900 sworn court interpreters in total registered in Slovenia)

www.sodni-tolmaci.si

Association's Goals

- ***Audiatur et altera pars*** (Latin phrase “hear the other side too”)
- Issuing **recommendations** to all court interpreters, in cooperation with the Ministry of Justice and “CIP”. The achieved agreements so far:
 - the correct position of the statement of authentication underneath the translation
 - the correct position of the seal stamp on the last rear page
 - clarity to unnecessary translation of the Apostille stamp and exceptions recommended by the Ministry
- Offering different types of **high quality continuing professional development** (conferences, seminars, lectures, workshops etc.)
- Dissemination of **useful information** on the Association's website

Conclusion

- Need for **more terminological clarity** for “sodni tolmač”:
 - Terms with a broader definition (interpreting at court, translation of legal texts **with certification**) shall be introduced, like:
 - “Sworn Court Interpreter”
 - “Court Interpreter *sensu lato*” (“in the wide sense”)
 - “Gerichtsdolmetscher im weiteren Sinne”
- Papers and research projects on the status in EU Member States:
 - should focus **not only** on court interpreting **training** but **also on differences in the judicial systems**,
 - should interview experts instead of academics as informants
 - **In country reports on LITs in Slovenia the information provided is often inaccurate and distorted.**

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