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Legal Translation & Interpreting on the move
Research and Professional Opportunities

SSLMIT Trieste, 2-4 October 2024

BOOK OF ABSTRACTS

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PREFACE

The conference Legal Translation & Interpreting on the move is the closing event of the 2022-2023 edition of the 1st-Level Master programme in Legal Translation offered by the Department of Legal, Language, Interpreting and Translation Studies of the University of Trieste.

The conference is also part of the events organised on the occasion of the 70th anniversary of the foundation of the Faculty of Translation and Interpreting (SSLMIT) as well as the 100th anniversary of the foundation of the University of Trieste.

The conference aims to contribute to the discussion on the key role of legal translators and interpreters in a wide variety of areas, providing a forum in which academics and practitioners can benefit from the exchange of ideas based on research projects as well as professional experiences. It will therefore explore the new opportunities and threats related to the fast-paced technological advancement and the rapidly changing professional landscape, in terms of both job profiles and market developments by encouraging reflection on a wide range of topics (e.g. court/sworn legal translation & interpreting, legal translation training & AI, legal translation & literary and audiovisual translation, legal translation & plain language, legal translation & human rights, migration and crisis translation, gender issues in legal translation, community interpreting, institutional translation).

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KEYNOTE 1

Juristisches Dolmetschen im Wandel: transdisziplinäre Wege in Forschung, Lehre und Praxis

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Abstract

Das juristische Dolmetschen ist ein unverzichtbarer Bestandteil des Rechtslebens, der sowohl gerichtliche als auch außergerichtliche Bereiche einschließt. Es umfasst nationale behördliche und justizielle Kontexte, etwa das klassische Gerichtsdolmetschen, aber auch Dolmetschungen vor Staatsanwaltschaften, in Asylverfahren, Verwaltungs- oder polizeilichen Angelegenheiten und erstreckt sich auch auf supra- und internationale Gerichtsumgebungen, einschließlich internationaler Gerichte oder Tribunale. Im außergerichtlichen Bereich unterstützt juristisches Dolmetschen den nicht-öffentlichen Sektor bei Rechtsberatungen, Vertragsverhandlungen, Immobilientransaktionen oder Schiedsverfahren.

Insgesamt wird die zukünftige Rolle der Dolmetscher:innen durch ihre Fähigkeit bestimmt, sich in einer immer komplexer werdenden, vernetzten Welt zurechtzufinden und eine Brücke zwischen unterschiedlichen Disziplinen zu schlagen. Derzeit erfährt der Bereich durch Technologisierung tiefgreifende Veränderungen. Darüber hinaus spielt die Fachdisziplinarität eine zentrale Rolle. Juristische Verfahren sind in der Regel von einem hohen Maß an fachtechnischer Komplexität geprägt. Neue Wege in der Ausbildung und Zusammenarbeit zwischen Dolmetscher:innen, Jurist:innen und anderen Expert:innen sind wichtiger denn je, um zeitgemäße Methoden und Tools hervorzubringen.

Der Beitrag bietet einen Einblick in die aktuelle Forschung, Lehre und Dolmetschpraxis in gerichtlichen und außergerichtlichen Rechtskontexten (Behörden, Gefängnisse, Gerichte, Notariate, Rechtsanwaltschaften). Er beleuchtet die wachsende Bedeutung der Transdisziplinarität und der linguae francae und stellt gleichzeitig die Frage nach einer Neudefinition der Aufgaben, Kompetenzen und Ausbildung: Wer sind die Rechtsdolmetscher:innen von morgen?

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Mira Kadrić is professor for Interpreting Studies and Didactics of Translation at the University of Vienna, Austria, where she is also Director of the Center for Translation Studies and head of the research group TransLaw. Her research focuses especially on empirical work on legal, political and diplomatic interpreting, and pedagogical issues of interpreting, drawing on her practical experience as an interpreter for the courts, public services, and political institutions. She has been researching court and public service interpreting for over 20 years. She is the Scientific Director of the Master's training programme for Court and Public Service Interpreting for high-demand languages and organises specialisation courses for Translation and Interpreting Studies graduates (including speech-to-text interpreting, video and telephone interpreting) at the Postgraduate Center at the University of Vienna.

KEYNOTE 2

La traducción jurídica: evolución y desafíos ante la automatización

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Abstract

La traducción jurídica destaca por su amplio alcance y gran demanda en el ámbito profesional, así como por su importante desarrollo disciplinar en la esfera de la Traductología. Tras una breve panorámica de esta evolución, nos centraremos en la repercusión de la automatización de los procesos de traducción en este campo, una tendencia que condiciona la manera de concebir la actividad traductora y su estudio en la actualidad.

El uso de la traducción automática neuronal (TAN) en particular se ha ido expandiendo entre los profesionales del sector y la traducción jurídica no es una excepción. No obstante, se suelen plantear cautelas y reticencias ligadas a la complejidad y los riesgos inherentes a esta especialidad, pues se percibe como una actividad experta que requiere competencias especializadas para garantizar la calidad del producto. Con el fin de entender mejor estas implicaciones, crece el número de estudios que analizan los resultados de diversos sistemas de TAN e inteligencia artificial para la traducción de diferentes géneros textuales en múltiples lenguas. Más allá de estos estudios de casos concretos, cabe hacer balance de la utilidad y los desafíos de la traducción automática desde una perspectiva más amplia.

A estos efectos, a partir de datos obtenidos principalmente en el proyecto LETRINT, se ofrecerá una radiografía del uso de las herramientas tecnológicas entre los profesionales de la traducción de múltiples instituciones internacionales, así como de sus efectos en los métodos de trabajo, la calidad de las traducciones y las exigencias en materia de competencia traductora en los actuales entornos de "traducción aumentada". Los organismos internacionales constituyen un campo de observación inmejorable debido a su papel como garantes del multilingüismo del derecho supranacional y como paradigma de la traducción profesional y la progresiva adaptación a los cambios tecnológicos. Por último, se dedicará especial atención a la pertinencia de la formación especializada en este contexto cambiante y, más concretamente, cómo se refleja en la eficacia del aseguramiento de la calidad en traducción jurídica.

En definitiva, se ilustrará la importancia de la investigación para arrojar luz sobre la realidad de los procesos actuales de traducción profesional, demostrar de manera empírica el valor añadido de la especialización y la formación en traducción jurídica, y matizar ciertos mitos en torno a la automatización en este campo.

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Nuevas tecnologías: ¿fieles aliadas o estorbo (in)evitable? Análisis del mercado de la traducción jurídica en Italia y España

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Keywords: traducción jurídica, estudio del mercado, traducción automática, posedición, inteligencia artificial

Abstract

La rápida evolución de la traducción automática (TA) y, en tiempos más recientes, de la inteligencia artificial (IA) generativa ha colocado a estas tecnologías en la vanguardia de los avances tecnológicos, que se han vuelto omnipresentes en la sociedad contemporánea.

Un análisis de los flujos de trabajo revela una integración frecuente de la TA en las herramientas de traducción asistida por ordenador (TAO), diseñadas con el propósito de optimizar la labor del traductor profesional mediante el uso de memorias de traducción y, más recientemente, de la TA (Do Carmo & Moorkens, 2020: 39). En este contexto de «traducción aumentada» (Lommel, 2020), el traductor humano es la autoridad responsable de seleccionar únicamente las tecnologías (como memorias de traducción, bases terminológicas o la misma TA) que le ayudarán a lograr altos niveles de calidad. Este concepto contrasta con la traducción automática asistida por humanos (del inglés *human aided machine translation*), en la que se podría incluir la práctica de la posedición (PE), un servicio que ha ido consolidándose en el mercado de la traducción e incluso ha adquirido sus propias normas internacionales.

Por otro lado, el uso de la TA y su integración en la herramienta TAO en contextos institucionales podría sugerir una creciente aceptación de esta tecnología en el ámbito jurídico. A pesar de esto, los traductores profesionales muestran resistencia a utilizar herramientas tecnológicas como TA e IA generativa, señalando algunos factores irritantes y haciendo hincapié en los desafíos sustanciales de la adopción de dichas tecnologías en el ámbito jurídico, en su mayoría procedentes de la intrínseca complejidad de los textos jurídicos (Wiesmann, 2019: 121), que obstaculizan su integración efectiva y su total aceptación.

En un entorno profesional en constante cambio es esencial no perder de vista el papel fundamental del traductor humano y su relación con los avances en el campo; asimismo, como agente principal, su opinión y actitud hacia estos cambios son de suma importancia, por lo que la necesidad de investigar en la adopción de las nuevas tecnologías en la traducción jurídica es evidente. Sin embargo, hasta la fecha no se ha realizado un análisis detallado del mercado de la traducción jurídica en España o Italia con el objetivo de comprender cómo los actores del mercado están adaptando sus prácticas en respuesta a los avances tecnológicos.

A este propósito, y en el marco de una tesis doctoral en curso, se diseñó una encuesta con el objetivo de analizar el mercado de la traducción jurídica en Italia y en España y entender cómo los traductores

jurídicos y las empresas que ofrecen servicios de traducción jurídica están adaptando sus prácticas en respuesta a los avances tecnológicos.

En línea con el contexto y la relevancia mencionados, se formularon las siguientes preguntas de investigación:

1. ¿Qué tecnologías utilizan los actores del mercado de la traducción jurídica en Italia y España? ¿Cómo las integran en el flujo de trabajo?
2. ¿Cómo se percibe el uso de la TA y qué impacto tiene su integración en términos de productividad, calidad y rentabilidad económica en distintas modalidades de trabajo, incluida la PE?

En esta comunicación se intentarán abordar estas preguntas presentando parte de los resultados de la encuesta llevada a cabo del 15 de febrero al 7 de mayo de 2024, centrándose en la interpretación de los datos relativos a los traductores jurídicos de Italia y España (154 respuestas en total, 77 de traductores italianos y 77 de traductores españoles).

La encuesta permitió obtener datos relevantes sobre la práctica profesional en cuanto al uso de las nuevas tecnologías. Se desprende que tanto los traductores jurídicos de España, como los de Italia, trabajan a menudo solo con traducción humana y a veces trabajan con herramientas TAO y sin TA, mientras que solo raras veces integran la TA en su flujo de trabajo. En cambio, poseditan raras veces o nunca; en efecto, más de la mayoría de los traductores no acepta encargos de PE.

La percepción de los traductores jurídicos de ambos países sobre la TA es medio-baja, y se aprecia una visión negativa de la actividad de PE. En efecto, los traductores no confían en que la TA ayude a realizar con éxito un proyecto de traducción jurídica y, en cuanto a la productividad, la integración de la TA en el flujo de trabajo hace que se mantenga constante o aumente poco. Se enumeran además varias desventajas en cuanto a la integración de la TA, haciendo hincapié en la mala calidad del texto generado, el tiempo que se tarda en detectar y corregir los errores y la dificultad para pensar en soluciones mejores y más creativas.

En cuanto a la actividad de PE, se subraya la repetitividad de la tarea, que también se considera tediosa; según los traductores, además, la PE disminuye su sentido de empoderamiento y control.

Los resultados de esta encuesta reflejan la situación descrita en otros estudios que se enfocan en el mercado europeo (p. ej. ELIS Research, 2024; Rivas Ginel et al., 2024) y permiten identificar implicaciones significativas a nivel profesional, ya que proporcionan información relevante sobre las prácticas actuales del mercado para que los profesionales puedan tomar decisiones informadas.

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Translating Saudi Legal Terms and Expressions from Arabic into English: A Corpus-Based Study

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Keywords: Arabic legal terms, Saudi legal language, translation procedures, corpus-based analysis, lexical features

Abstract

Many studies have investigated the features of the English legal language, while others have studied the features of the Arabic legal language. A few studies have applied a corpus-based approach to translation from Arabic and English. Most Arabic legal studies have focused mainly on analysing contracts, international documents, and Islamic law. However, more research on national legislation needs to be conducted, particularly Saudi laws and regulations. This paper is a part of ongoing PhD research on the lexical and syntactical features of Saudi laws and regulations and their translation into English. The paper highlights the common lexical features of Saudi laws and regulations. It also seeks to qualitatively investigate the procedures applied in translating areas under investigation, such as Islamic-specific items and system-bound terms. The paper answers mainly the following research questions:

1. What are the most common features of Saudi laws and regulations at the lexical level?
2. What are the translation procedures applied in translating Saudi legal terms and expressions into English?

Legal discourse is commonly featured by the peculiarity of its jargon. Such terminology distinguishes specialist legal language from other legal and non-legal languages. Each legal jargon utilises specific terminology that exhibits its legal system, history, and culture. The Arabic legal lexicon that describes Islamic Law (e.g., Saudi law) varies from the English legal lexicon that represents the Common Law (e.g., United Kingdom law). Thus, Saudi laws use specific legal terms that have no equivalent in the Common Law, such as the Islamic term المهر/ (*almahr*- a gift (money or valuable property) which should be given to a wife by her husband before marriage) (Wani, 2001) and the system-bound term أمر ملكي/ (*Royal Order*- is a written document issued by the King as the head of state. It is used to regulate the executive affairs of the state, such as the appointment of ministers and judges) (Judicial Legislation Preparation Committee, 2022). The translation of such terms is more than a translation between two different languages (Arabic and English); it is also a translation between two incongruent legal systems and cultures.

The paper utilises two self-built corpora: an Arabic Monolingual Corpus of Saudi Laws and Regulations (MCSLR) and an Arabic-English Parallel Corpus of Saudi Laws and Regulations (PCSLR). The MCSLR is thematically divided into 19 sub-corpora, consisting of 948,407 Arabic words (1,224,235 tokens) from 313 laws and regulations. The PCSLR, divided into 13 sub-corpora, includes 527,395 Arabic words (598,127 tokens) and 535,559 English words (622,353 tokens) from 153 laws and regulations. All the documents were translated into English as an official translation from Arabic. Both the MCSLR and

PCSLR are categorised into sub-corpora covering basic laws, judiciary and human rights laws, national security, civil status and criminal laws, labour and social care laws, municipal services and urban planning, tourism and antiquities laws, commerce, economy, and investment laws, energy, industry and mining laws, media, culture and publication laws, health laws, and laws of agriculture, water and biota.

Additionally, the MCSLR includes sub-corpora on hajj and Islamic affairs laws, diplomatic corps, protocol and ceremonies, education and science laws, military service laws, and transportation and communication laws. The laws and regulations, issued between 1931 and 2022, are all valid and currently enacted. Data were primarily collected from The Bureau of Experts at the Council of Ministers' official website, with some English texts obtained from the National Centre for Archives and Records website. Both corpora were uploaded to the Sketch Engine interface (Kilgarriff et al., 2014).

The MCSLR is employed to identify the lexical features of Saudi laws and regulations. Initially, the wordlist tool determines the most frequently used terms in the corpus and within each sub-corpus. A further manual analysis of random sentences is conducted to provide a comprehensive data analysis. This primary investigation identifies the most common lexical features of Saudi laws and regulations and highlights problematic areas in translating Arabic into English. Subsequently, the PCSLR is consulted to analyse the translation of the identified features from Arabic into English using the concordances tool.

The study adapts an integrated model based on Newmark's (1988) and Baker's (1992) framework to investigate the procedures used to translate Saudi legal terms and expressions from Arabic into English.

This investigation employs both quantitative and qualitative methods. The methodology is divided into two phases. First, the lexical features of Saudi laws and regulations are quantitatively and qualitatively explored. Second, a qualitative analysis is conducted to critically appraise the translation of the elements under investigation and provide possible solutions and suggestions to achieve better translations where applicable.

Several translation procedures have been applied in translating the areas under investigation, such as Islamic legal and system-bound terms. Amongst those procedures are 'translation using a loan word' (e.g., translating الشورى/*alshurā* into Shura), 'descriptive equivalents' (e.g., translating حد شرعي/ *ḥadd sharʿi* into sharia- prescribed crime) 'modulation' (e.g., translating السجل المدني/ *civil register* into the national identity) and 'literal translation' (e.g., translating السجل المدني into Civil register). In most cases, the translators applied more than one translation procedure in translating a single term, such as 'translation using a loan word', 'omission', and 'descriptive equivalent' in translating the Islamic concept حد شرعي/ *ḥadd sharʿi* into hadd (Sharia-prescribed punishment) whereby the translator borrows the term حد/ *ḥadd* as (hadd), omits the term شرعي/ *sharʿi* and adds a descriptive equivalent as (Sharia prescribed punishment).

The study also highlights the issue of inconsistency in translating some legal terms. Establishing comprehensive translation guidelines and creating a terminology database with crucial terminologies and their approved translations could solve the inconsistency issue.

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Ohoud Alshehri holds a BA in English from the University of Tabuk, Saudi Arabia, and a master's degree in Arabic-English Translation from the University of Leeds. Her master's thesis focused on the procedures and strategies for translating culture-specific items in Saudi Arabia's constitution into English. Currently, she is pursuing a PhD in Legal Translation between Arabic and English. Her research interests encompass legal translation, corpus-based translation, and cross-cultural translation. Her PhD thesis is a corpus-based study that investigates the linguistic features of Saudi laws and regulations and analyses the strategies for translating these laws from Arabic into English.

The use of automation in the rendition of certain articles of the Saudi commercial law into English: A post-editing-based comparison of five machine translation systems

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Keywords: Machine translation, Arabic-English legal translation, post-editing, HTER metric, comparison.

Abstract

Efforts to automate translation were made in the 1950s and 1960s, albeit with limited resources compared to current advanced standards. Machine translation (MT) is categorised under computational linguistics that examines employing computer software in the rendition of text from one language into another. MT includes the electronic production of a receptor text based on an original text. The complexity of natural languages makes MT an arduous task. Such complexity appears more clearly in the multiplicity of meanings of words, the different interpretations of sentences and the existence of certain grammatical relations in a particular language, but not in the other. With this in mind, MT systems make a diverse set of errors, such as lexical, grammatical, syntactical, collocational and stylistical errors alongside unnecessary insertions or deletions.

Much research has been devoted to addressing MT systems translation quality, assessing their translation outputs, exploring ways of error correction through post-editing MT systems outputs and contributing to the improvement of their outputs through pre-editing the original texts to make them more translatable. However, the present paper is distinctive as it compares five different MT systems' outputs that can work with Arabic texts, namely: Google Translate (NMT-based system), PROMT. One (SMT-based system), SYSTRAN Translate (combination of both SMT and NMT-based systems), Microsoft Bing (NMT-based system) and Translate.com (combination of both SMT and NMT-based systems) in rendering two legal articles, namely: Article 17 and Article 108 from the Saudi Commercial Law into English. The comparison is based on post-editing rather than automatic evaluation as the latter involves a higher error rate as concluded by Koehn (2020) as well as Rossi and Carré (2022). This is owing to the fact that the latter is based on the comparison between the MT system output and a completely independent human translation that has nothing to do with the MT system output, whilst the former is grounded in the comparison between the MT system output and a post-edited version of that MT system output. The paper also analyses the results of the post-editing procedures based on Human Translation Edit Rate (HTER) to test as to whether or not such metric can be depended on in MT output assessment of Arabic-English legal translation. The significance of the current research lies chiefly in the notion that it uses automatic metric to carry out human post-editing then performs analysis of the results reached by post-editing based on HTER to test as to whether or not the five MT outputs in question are acceptable. The paper seeks to present how MT systems usually work with Arabic-English legal translation, particularly when they are given short legal articles and how they are assessed.

The present paper seeks to answer the following research questions: (1) What is the highest output quality of the five MT systems involved in the current study in the translation of certain articles of the Saudi Commercial Law into English according to HTER metric? (2) Do always the MT systems that have high outputs quality according to HTER metric produce acceptable Arabic-English legal translation, and why?

The present paper carries out an evaluation on five different machine translation outputs on the basis of post-editing procedures. Each machine translation output is assessed against the same post-edited version, and the closest output to the post-edited version with regard to the use of the same lexicon and word order will achieve the lowest score. The lower the score of the machine translation output is, the higher quality it has. The text used in the present study represents two legal articles: Article 17 and Article 108 taken from the Saudi Commercial law (Law of the Commercial Court) (1931). The choice for this particular sample has randomly been made. The metric used for evaluating the MT outputs in question is HTER, which is considered one of the most commonly used metrics in recent literature for the purpose of evaluating MT outputs with the use of post-editing procedures. It is a mixture of both human evaluation and automatic evaluation in the sense that it uses the metric of the latter, i.e. TER, while it is based on human post-editing. The paper also analyses the results of the HTER metric evaluation to ascertain as to whether or not high-quality machine translation outputs always produce acceptable Arabic-English legal translation. The present paper argues that the use of Human Translation Edit Rate metric is a useful tool for the sake of undertaking post-editing procedures as it is a combination of both human evaluation as well as automatic evaluation. It is also advantageous as it takes account of both the use of lexicon and word order. However, such metric cannot be sufficiently depended on as one term substitution, which will be counted according to this metric as a single error, may render the whole sentence invalid, particularly in legal translation. This paper offers a baseline for the quality assessment of machine translation output through post-editing based on Human Translation Edit Rate metric and how its results should be analysed within Arabic-English legal translation context, which may have implications for similar machine translation output quality assessment contexts.

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Addressing women rights through translation: The case of Urdu translation of Punjab laws for women

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Keywords: Women rights, Punjab laws, harassment, Urdu translation

Abstract

The Constitution of Pakistan 1973 provides equal rights to men and women, but societal norms have never allowed women to enjoy their rights fully in Pakistani society (Jabeen & Jabeen, 2013). This lacuna is addressed through various laws introduced in the 2000s. One such law is to address the harassment that women have to face at their workplaces. The Punjab government passed the bill in 2010 and drafted an Act for the protection of women against harassment at the workplace (Human Rights Commission of Pakistan, 2012). The Act was later translated into Urdu to reach the Urdu-speaking community. This article records the response of women against the availability of Urdu translation of harassment law; it also studies the quality of translation and gathers the possible effective means to disseminate the law among women. The study is carried out through interviews and questionnaires. Fifty participants from Government College for Women University, Sialkot, are selected as the population, and they are asked whether they know about the availability of Urdu translation of harassment law or not. They are also asked to read a few passages of the available Urdu translation and rate their level of comprehension. The working women are also asked to give their input on effective means to popularize and disseminate translated Urdu laws among women to protect their rights. The results show that most of the women are not aware of the Urdu translation of harassment law. The available translation is quite tricky for them to comprehend due to its knotty terminology (Anwar, 2014). The working women also suggest various means to disseminate translations, i.e., social media posts by the concerned authorities, advertisements through TV channels, and dedicated mobile applications for women's laws (Khan & Ahmad, 2018).

This paper explores the effectiveness of harassment laws available in Urdu, assesses the quality of translation, and identifies practical strategies for educating women about the law. Fifty participants were chosen from the Government College for Women University in Sialkot using an approach that included questionnaires and interviews. The principal aims of the study were to determine the extent of public knowledge about the harassment laws translation into Urdu, evaluate comprehension of translated passages, and get recommendations from employed women regarding ways to improve the distribution of translated Urdu laws that safeguard women's rights.

This research highlights the important need for efficient communication strategies to improve the accessibility and comprehension of legal safeguards for women by illuminating the gap that currently exists between policy implementation and public knowledge (Malik & Courtney, 2011). It promotes coordinated actions by pertinent authorities to close this gap and give women more power by helping them comprehend and apply the laws created to protect their rights. This study intends to support the

development of a more just and educated society where women can exercise their rights with resilience and confidence by means of focused dissemination and streamlined translations.

The following questions were formulated:

- To what extent are harassment laws in Urdu translation effective in alleviating the concerns of working women?
- What are the practical strategies for educating women about harassment laws?

The study population consisted of fifty participants who were chosen from the Government College for Women University in Sialkot. Women who speak Urdu and who are employed or have prior experience in a work environment may be inclusion criteria.

To collect qualitative information, the chosen individuals were subjected to semi-structured interviews. The purpose of the interview questions was to find out if participants knew that the harassment law was translated into Urdu, what they thought of its clarity and accessibility, and what changes they would make to the way it was distributed.

To gather quantitative data, participants were given structured questionnaires. Items on participants' knowledge of the Urdu translation, their understanding of selected sections from the translated text, and their opinions regarding distribution strategies were included in the questionnaires.

Selected passages from the harassment law's Urdu version were given to participants to read and evaluate. The assessment criteria encompass readability, lucidity, and comprehension of legal jargon.

Participants were given copies of the harassment law's Urdu version to refer to while completing the questionnaire and during interviews. Any additional resources, like fact sheets or visual aids, might have been used to help participants comprehend the goal and parameters of the research.

Note-taking techniques or recording devices were used during interviews (with participant consent) to accurately capture participants' comments. Electronic or paper-based questionnaires were utilized to gather data for the survey stage.

To find recurrent themes and patterns in the responses of the participants, qualitative data from interviews were subjected to analysis.

The study concludes that there is low awareness of the Urdu translation of harassment laws. Moreover, it also identifies the difficulties that the readers encounter while reading the laws. This study addresses a critical problem in Pakistani society: the disparity between women's legal rights and their knowledge and understanding of those rights, especially in places where Urdu is the primary language (Zakar et al., 2016). This study emphasizes how difficult it is for women to obtain and comprehend translated legal provisions, which emphasizes the significance of focused communication tactics to close this gap. Policymakers, attorneys, and advocacy organizations working to advance women's rights and provide women with legal protections will find great value in the findings. Putting the suggestions for better distribution strategies into practice could make it easier for women to use the legal system and make society fairer and more knowledgeable. It offers useful suggestions for improving gender equality through language and legislation, as well as contributing to current discussions in gender studies, legal studies, and translation studies. In the end, our research spurs action to guarantee that women can confidently and honorably defend their rights.

The paper closes the gap between gender studies and translation studies by concentrating on the translation of legislative measures meant to safeguard women's rights. It looks at how important translation may be to making sure that underprivileged groups, especially women, can access and understand their legal rights. Based on the opinions of working women polled, the paper makes useful suggestions for enhancing the distribution of translated legislative provisions. These suggestions directly affect legislators, attorneys, and advocacy organizations that support women's rights and improve access to the legal system.

Utilizing social media sites, TV commercials, and specialized mobile applications that highlight legislation protecting women's rights were among the insightful suggestions made by working women.

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VoicePath Crisis Translation Toolkit: Translating empowerment and human rights in crises

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Keywords: Translation; crisis; human rights; maturity models; migrant reception

Abstract

This paper describes the development and implementation of a comprehensive toolkit tailored specifically for crisis translation, with a primary focus on human rights. Our study aimed to explore how the (lack of) access to translation impacts the human rights of forcibly displaced persons (FDPs) in crisis situations, and to identify tools that could assist responders in improving this access. The toolkit serves as the primary outcome, addressing and confronting these inquiries in a practical manner. The concept of creating such a resource along with its specific tools is founded on the hypothesis that inadequate access to translation can constitute significant violations of the basic rights of forcibly displaced persons (FDPs). Conversely, stakeholders require practical insights and resources that facilitate the handling and comprehension of the relationship between crisis translation (Federici. & O'Brien, 2019) and human rights, thereby averting potential rights violations.

In instances of forced displacement, access to translation is not only a fundamental human right, but also serves as the primary gateway to accessing other rights, such as the rights to life, education, and health. Leveraging expertise in translation studies and crisis management, our toolkit aims to streamline and optimize the translation process during crises. It incorporates cutting-edge technologies, best practices, and adaptable strategies to facilitate swift and accurate translation, ensuring that crucial information reaches diverse linguistic communities promptly and in an organized manner. These tools represent the findings of our research on methods to prevent human rights violations through adequate translation access, encompassing needs assessment, training, budgeting, policy implementation, and feedback mechanisms.

Crisis translation is essential for facilitating clear communication during urgent events, ensuring that vital information crosses language barriers to reach all affected parties. The interconnectedness of our world today facilitates the rapid emergence and escalation of global crises. Therefore, accurate and timely translation is indispensable, empowering individuals, communities, and organizations by amplifying their voices, enabling access to critical resources, facilitating informed decision-making, and fostering equitable responses to emergencies. Beyond its role in conveying messages accurately, crisis translation also promotes unity, empathy, and empowerment across diverse linguistic landscapes, nurturing shared understanding and solidarity within societies facing adversity. Moreover, it serves as a valuable asset for organizations committed to promoting equality, diversity, and inclusion,

particularly in fields such as healthcare, human rights, and humanitarian efforts, reinforcing their missions through effective communication (Tesseur, 2023).

In this vein, this paper also discusses the methodology behind the toolkit's conception, its components, usability, and the potential impact on improving communication and access to essential services during crises. Additionally, it explores practical applications, challenges encountered, and future directions for enhancing crisis translation efforts. The idea was to improve and potentially save the lives of FDPs globally. The research is interdisciplinary and has practical significance, bringing together three disciplines – the study of translation, international human rights, and crises/disaster studies.

The toolkit was named "VOICEPATH Crisis Translation Toolkit" to reflect its core idea of crisis translation serving as a vehicle for empowerment, amplifying voices and enabling an inclusive debate about the topic. It acknowledges that the lack of accessibility to crucial information through translation at any stage of a crisis can lead to significant violations of human rights, impacting critical rights such as life, health, access to information, fair trial, and the right to non-discrimination.

The toolkit delivers tools, such as an important and innovative Crisis Translation Maturity Model (CTMM), that can be used and developed by policy makers, practitioners, and responders. The CTMM is a practical tool for assessing and enhancing crisis translation capabilities. It is tailored for organisations engaged in crisis response or seeking insights into how to access and offer translation services in crises. The model delineates five levels of maturity (from “ad hoc” to “optimizing”) across seventeen distinct categories, such as needs analysis and communicative context, and has been refined for use within the toolkit, building upon prior research (O’Brien & Cadwell, 2022).

The toolkit also approaches good practices and solutions for crisis translation and reflects urgent, ambitious, diversity/gender-responsive action under the scope of the research aim. It is divided in two parts. The first part is the core framework, which provides tools that include conceptual resources, terminology, access to key players and international, regional and local legal landscapes, and concludes with a tool on how to advocate for translation as a means to the fulfilment of human rights. The second part presents the Crisis Translation Maturity Model self-evaluation tools, and tools on diversity as a source of strength, or alignment with open science, especially in terms of democratization of information, inclusive communication, gender and diversity tools, and the important intersectionality between racism and language discrimination.

The methods used to tackle the research question involved the review of academic, legal and (non)governmental literature, a mapping onto the crisis translation maturity model and the leverage of pre-existing data gathered during a co-design stage with key stakeholders, which was developed at Dublin City University.

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Unmasking EU term formation: Terminological vs. translation equivalence

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Keywords: terminological variation, parallel corpus, term formation, crypto-assets

Abstract

The terminology used in EU law in all of its official languages is not only extremely influential (Clay 2022, 143), but also a precondition for achieving high-quality EU translation. Furthermore, consistent use of EU terminology is important for upholding the principle of equal authenticity of EU law which is equally valid and applicable in all official languages of the EU. Theoretically, EU terminology formation unfolds as an onomasiological exercise starting from the concept (cf. Šarčević 2015, 193). In practice however, EU secondary terms are not always formed in line with the principles of terminology theory, but translated from the draft English version into other languages. The guiding translation and drafting principle of horizontal and vertical consistency of EU terms is thus sometimes undermined by the resulting terminological variation which is, presumably, more prevalent in some EU languages. With this in mind, this study examines the formation of multi-word terms (hereinafter: MWTs) which are typical of EU specialized texts and frequent in (newer) areas of law that require new constructs to be termed precisely, as the still un(der)regulated domain of crypto-assets.

By relying on a parallel corpus of EU crypto-assets related texts in English and Croatian, attempt is made to draw conclusions about the formation and translation of MWTs with emphasis on identifying terminological variation. Drawing on earlier research, it is hypothesized that such 'pseudo-legal' domains are more susceptible to variation than domains that are fully regulated (cf. Clay 2022, Dobrić Basaneže and Bajčić 2023), while 'newer' EU languages exhibit more variants than 'older'. MWTs are chosen as they pose difficulties both to human and machine translators thus warranting investigations into their formation and terminological equivalence (as opposed to translation equivalence derived from corpora or machine translation). MWTs, extracted from the parallel corpus automatically by applying the frequency criterion, are additionally compared to corresponding terms in the EU terminology data bank IATE. As a second step, we will examine the convergence of English and Croatian terminology and try to classify identified variants pursuant to the contemporary approaches to term variants in the field of law (Biel 2023, Dobrić Basaneže and Bajčić 2023, Bajčić 2023, Freixa 2006).

Despite the detected higher degree of variants in the field of crypto-assets in all EU languages as exemplified by entries from IATE, the results still point to a higher degree of variants in 'newer' EU official languages, such as Croatian. Therefore, there is a lack of convergence between EU terminology in English and Croatian in this field.

While terminological variation today is perceived as a normal part of specialized language, it nevertheless poses certain risks in legal texts. By impacting consistency as an inherent principle of legal

drafting, variation may undermine legal certainty. In the context of EU law, variation should be observed through the lens of equal authenticity and the goal of convergence of EU law. With this in mind, providing valuable insight into nuanced meaning modifications of EU terms and the underlying term formation processes in multiple EU languages is instrumental to weigh the implications of variants on uniform application and interpretation of EU law. In terms of practical application, the results of the study will further the translation quality of EU terms in the area of crypto-assets [1].

Notes

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Amnistiando al enemigo: ¿la traducción automática neuronal al servicio de la traducción jurídica?

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Abstract

La traducción, al igual que otras disciplinas, ha sido testigo, con el paso del tiempo, de todos los avances que han incidido en el modo de ejercer y enseñar la profesión. Así, desde la transición al formato digital hasta la irrupción de la traducción automática neuronal (TAN), el traductor ha ido adaptando su forma de trabajar a las nuevas realidades. En lo relativo a la TAN, parece haber un consenso al afirmar que la calidad de sus productos requiere la intervención del traductor profesional, lo que ha dado lugar a la aparición de un nuevo concepto: la posedición. Entendida como «la corrección que realiza un traductor profesional de una traducción "en bruto" generada previamente por un programa de traducción automática» (ISO, 2017), este concepto se opone al de revisión, donde solo interviene el factor humano.

En traducción jurídica, dicho factor cobra especial importancia por las particularidades y especificidades que esta presenta, y que tienen que ver sobre todo con el anisomorfismo existente entre los distintos ordenamientos jurídicos. Así, y a partir de nuestra experiencia docente, en esta comunicación partimos de la base de que los avances tecnológicos deben usarse en beneficio de la práctica de la traducción y, por extensión, de su enseñanza. En esta línea, nuestro objetivo es doble y se centra, por un lado, en analizar hasta qué punto estos recursos resultan útiles y fiables en la formación de traductores jurídicos, concretamente en lo relativo a la adquisición de la competencia traductora dentro de la combinación lingüística francés-español y, por otro, en comprobar si la calidad del producto difiere en función del tipo de texto objeto de traducción.

En los últimos años, y debido al auge de este tipo de herramientas, son numerosos los autores que se han interesado por investigar su aplicación al ámbito de la traducción en general (Cid-Leal, Espín-García, Presas, 2019; González y Rico, 2021; Pym y Torres-Simón, 2021), y de la traducción jurídica en particular (Briva-Iglesias, 2021; Martínez-Carrasco, 2021).

Para alcanzar el propósito expuesto anteriormente, el estudio se vertebra en torno a una metodología que incluye, en primer lugar, el uso de dos herramientas de TAN (eTranslation y DeepL); en segundo lugar, el diseño de encuestas dirigidas a estudiantes a partir de la experiencia en el aula de traducción jurídica con estas herramientas y, en tercer lugar, el análisis y la extracción de datos y resultados a partir de dichas encuestas. La elección de DeepL se justifica por ser una herramienta cuyo uso está muy extendido en el ámbito de la traducción en general y que, además, en los últimos años ha hecho un

esfuerzo considerable por mejorar la calidad de las versiones que proporciona. En lo relativo a eTranslation, se ha optado por este recurso debido a que, al ser una herramienta creada por la Comisión Europea, está alimentada por una enorme cantidad de textos en todas las lenguas oficiales de la UE que se caracterizan, entre otros factores, por su alto contenido jurídico, lo que podría llevarnos a pensar que la calidad de las traducciones proporcionadas debería ser relativamente elevada en lo que concierne a las muestras del estudio.

En cuanto a los textos objeto de análisis, se ha seleccionado una presentación de la Secretaría de la Organización Mundial del Comercio sobre un acuerdo de libre comercio y diversos textos del ámbito civil y económico dentro del ordenamiento jurídico francés.

A partir de dichos textos, se trata de trabajar con los traductores en formación con el fin, tal y como se ha apuntado anteriormente, de comprobar la calidad de las traducciones proporcionadas por eTranslation y DeepL, detectar los errores y las carencias que estas pudieran presentar, para, posteriormente y desde la aplicación de la posedición en el aula, hacer que los discentes proporcionen sus versiones a partir de la corrección y subsanación de dichas deficiencias. A esta fase le sigue la cumplimentación de una encuesta diseñada *ad hoc* en la que se espera que los alumnos reflexionen, por un lado, en torno a la fiabilidad de estas herramientas y su aplicación en el ámbito de la traducción jurídica y, por otro, acerca de su utilidad con respecto a la adquisición de la competencia traductora jurídica.

En este sentido, los resultados obtenidos hasta ahora muestran que el estudiantado otorga una fiabilidad relativa a las traducciones generadas por estas herramientas. Con respecto a su utilidad, el alumnado no considera, en general, que estos recursos les ayuden a la adquisición de la subcompetencia (inter)cultural. Sin embargo, sí los consideran beneficiosos en lo que concierne a la subcompetencia profesional, interpersonal e instrumental. Estos datos parciales se verán completados conforme el estudio avance en consonancia con los objetivos presentados.

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Questioni di morfologia russa in prospettiva traduttologica: il caso del prefisso verbale *pod-* [*под-*] nel significato <SECRETLY> in applicazione al linguaggio giuridico

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Keywords: prefissi verbali russi, prefisso *pod-*, immagine linguistica del mondo, linguaggio giuridico russo

Abstract

In questo intervento proponiamo un'analisi della terminologia giuridica russa in prospettiva linguistico-traduttologica, con attenzione specifica a questioni di formazione delle parole (*slovoobrazovanie*) legate ai prefissi verbali russi ('PVR'). Elemento centrale del presente contributo sarà una disamina ragionata dei termini russi che si formano mediante aggiunta del PVR *pod-*: questo esempio ci permetterà di mostrare il ruolo dello *slovoobrazovanie* non solo come strumento imprescindibile per l'apprendimento del russo, ma anche come valido ausilio mnemonico per la pratica della traduzione e dell'interpretazione italiano-russo. Alla base della nostra proposta vi sono infatti presupposti di ordine sia generale sia specifico: a) i numerosi contesti in cui, in Italia, è richiesta la conoscenza del russo giuridico; b) l'assenza di un sostegno allo studio del linguaggio giuridico da parte della linguistica legata ai PVR; c) l'importanza di conoscere la polisemia di *pod-*, PVR complesso e frequente nei termini giuridici russi.

Innanzitutto, applicando al contesto italiano le osservazioni di Kindernecht (2013) sulle particolarità del linguaggio giuridico, chi traduce o interpreta nel settore deve disporre di un'ottima conoscenza dei termini specialistici, visti alcuni fattori interrelati: a) la presenza di persone russofone per le quali è sovente richiesto servizio di traduzione o interpretazione (udienze, asseverazioni); b) le complesse vicende storico-politiche della Russia, che negli ultimi decenni ha visto il proprio sistema giuridico modificarsi in maniera sostanziale (URSS, Federazione Russa, recenti emendamenti costituzionali e nuove leggi, specie in relazione all'invasione dell'Ucraina); c) la specificità degli ordinamenti giuridici dei Paesi dove il russo è lingua co-ufficiale, come Bielorussia e Kazakistan (uno stesso termine può avere traducenti italiani diversi a seconda di come viene interpretato nei diversi ordinamenti); d) la mancanza, al meglio delle nostre conoscenze, di un dizionario giuridico italiano-russo di riferimento aggiornato al 2024.

Inoltre, il linguaggio giuridico costituisce un subsistema all'interno della lingua cui "appartiene" [Pigolkin, Chižnjak, Tolstik, Nesterovič], tanto che Golev (1999) parla di *jurislingvistika* ('giurislinguistica') per lo studio delle relative peculiarità. Nel contesto specifico del russo, la letteratura propone diversi criteri per classificarne i termini, non ultima la distinzione di forma tra 'termini-parola' (*terminy-slova*, composti da un solo lessema, come *pravo* 'diritto') e 'termini-combinazione' (*terminy-slovosočetanija*, composti da più lessemi, come *juridičeskoe lico* 'persona giuridica'). Questa divisione costituisce un buon punto di partenza per discenti di russo, specie considerando le osservazioni di Bescennaja sull'insegnamento, la quale sostiene che i termini giuridici «possano essere studiati [...] dal

punto di vista *della forma*» (2005: 84). Muovendo dunque da tali presupposti, al fine di fornire un primo spunto di approccio funzionale alla gestione della terminologia, ci chiediamo: è possibile favorire il processo di memorizzazione, e quindi l'utilizzo consapevole dei termini, "appoggiandosi" a un elemento *di forma* (e significato) come i PVR?

Tentiamo di rispondere a tale quesito proponendo l'esempio del PVR *pod-*, il cui significato denotativo prototipico è <UNDER> ('sotto', come in *podložit'* 'posizionare sotto [qualcosa]'). La scelta di *pod-* deriva dal fatto che, rispetto ad altri PVR, e nonostante la sua riconosciuta complessità [Kagan], esso ha ricevuto minore attenzione in letteratura (un'analisi dettagliata è condotta in Plungjan, 2001). Inoltre, elemento ancora più importante ai nostri fini, fra i numerosi significati di *pod-* evidenziamo <SECRETLY>, che indica 'azione svolta in maniera segreta, furtiva, illecita' ed è spesso associato, per inferenza [Shull], a <DAMAGE> (un danno causato da tale azione: *podslušat'* 'origliare', *podsmotret'* 'sbirciare'). In questa valenza, *pod-* si presenta nel linguaggio giuridico non solo in verbi, ma anche in sostantivi deverbali (*podžog* 'incendio doloso', *podstrekatel'stvo* 'istigazione', *podkup* 'subornazione', *poddelka* 'contraffazione'). Ciononostante, non mancano termini in cui *pod-* manifesta altri significati (*podozrevaemyj* 'sospettato') o in cui la formazione di un lessema ha origine da *pod* preposizione (*podsledstvennyj* 'sotto inchiesta'). Per questo, la natura sintetica del russo, a differenza di quella analitica dell'italiano, obbliga a una consapevolezza morfo-sintattica approfondita che non si riduca alla mera ricerca di corrispondenze lessicali. *Che fare*, dunque, per ordinare i termini in *pod-* in un unico schema facilmente fruibile?

A questo punto occorre "scendere" verso un ulteriore livello di analisi, indagando i meccanismi culturo-specifici del russo, in particolare la sua 'immagine linguistica del mondo' (*jazykovaja kartina mira*) ('ILM'). L'ILM ha ricevuto notevole attenzione nella letteratura accademica russa, benché sia considerata piuttosto controversa in Occidente per diversi motivi [Gebert]: a) l'accostamento all'ipotesi di Sapir-Whorf sul determinismo linguistico; b) la "vicinanza" allo stereotipo etnico [Wierzbicka, Rylov]; c) la pretesa di rappresentare la mentalità di una determinata cultura o popolo [Kornilov, Popova, Sternin]. Tuttavia, ai nostri fini riteniamo valide le teorie di Zaliznjak (2013), scevre dalle tendenze di cui sopra e incentrate sul principio cardine dei cosiddetti 'passaggi semantici' (*semantičeskie perechody*) su cui si "costruisce" la polisemia dei lessemi russi, *in primis* metafore e metonimie. Queste osservazioni si ricollegano agli studi occidentali di linguistica cognitiva [Lakoff, Johnson, Langacker], sui quali, negli anni Ottanta, è stato elaborato il cosiddetto 'approccio cognitivista' per definire e sistematizzare i significati dei PVR [Janda].

Muovendo pertanto da questi presupposti teorici, nel nostro intervento presenteremo inizialmente esempi di termini indicanti atti illeciti prefissati in *pod-* nel significato <SECRETLY>, estratti dal Codice penale della Federazione Russa. Successivamente estenderemo l'analisi ad altri termini formati mediante *pod-* PVR e *pod* preposizione, avendo cura di identificare i 'passaggi semantici' (non ultime le metafore [Viimaranta]) che grazie all'ILM del russo portano da <UNDER> a <SECRETLY> e <DAMAGE>. Mostreremo così la comunanza semantica (e non solo *di forma*) tra *pod-* e *pod* [Potebnja, Plungjan, Rachilina, Seliverstova, Lopatin, Uluchanov], proponendo altresì una rete semantica dei loro significati elaborata secondo il cosiddetto 'approccio integrato', di nostra concezione: questo schema, forte delle osservazioni di Bescennaja, servirà a presentare una classificazione unificata di 'termini-parola' e 'termini-combinazione' che si "appoggia" allo *slovoobrazovanie* del russo. In tal modo, applicheremo lo studio dei PVR a quello del linguaggio giuridico (ambito al momento insondato nella letteratura accademica italiana): fine ultimo sarà dunque fornire un primo contributo metodologico (potenzialmente testabile in successiva fase sperimentale ed estendibile ad altri elementi *di forma*) per

memorizzare e utilizzare consapevolmente, e con minore sforzo cognitivo, i termini giuridici russi in traduzione e interpretazione da e verso l'italiano.

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Filippo Bazzocchi ha conseguito la Laurea Triennale in Mediazione Linguistica Interculturale (2014) e successivamente la Laurea Magistrale in Interpretazione (2017) presso il Dipartimento di Interpretazione e Traduzione DIT dell'Università di Bologna, sede di Forlì. Al momento è dottorando presso l'Università di Udine (sede convenzionata dell'Università di Trieste, Sezione di Studi in Lingue Moderne per Interpreti e Traduttori SSLMIT) con un progetto incentrato sui prefissi verbali russi in prospettiva traduttologica. Dal 2017 lavora come interprete professionista, specie nel settore odontoiatrico (lingue: italiano, russo, inglese), e dal 2020 è docente di lingua russa presso CIELS Bologna. È inoltre cultore della materia per la lingua russa e titolare dell'attività di didattica integrativa "Elementi di interpretazione di conferenza (russo⇄italiano)" presso SSLMIT (Università di Trieste). Fra i suoi interessi di ricerca figurano questioni di linguistica russa e di culturologia legate alla Russia, all'Ucraina e, in generale, ai Paesi dello spazio post-sovietico (arte, fumetto, musica).

The Australian enduring power of attorney and the challenges it poses to translators and interpreters

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Keywords: enduring power of attorney, legal translation training, Australia, comparative law

Abstract

When an adult person lacks legal capacity, who has the right to manage the financial affairs of that person? The answer would be different according to when and where that person lives or lived.

Originally, in New South Wales (NSW), under the *Lunacy Act 1898*, it was the Supreme Court that appointed a third person to manage the property and money of an incapable person. This was expensive and time consuming.

Individuals who wanted to make provision in advance for this contingency by choosing a person to act for them in case of lacking capacity at a later stage simply could not do it. At common law, a power of attorney took effect immediately upon signing it (not when the principal lost capacity) and it lapsed upon the incapacity of the principal.

Since the 1970s, various common law countries have introduced legislative reforms to address this problem. This gave rise to 'special' powers of attorney called lasting, durable or enduring powers of attorney to differentiate them from the traditional power of attorney.

Enduring powers of attorney (EPA) have become popular as an alternative to statutory adult guardianship, whereby a court or tribunal finds that a person does not have the capacity to make certain decisions and appoints another person to make substitute decisions or, in some jurisdictions, facilitate 'supported' decisions. The appeal of the EPA is that it is a cheaper, easier, and less paternalistic and stigmatised alternative than the court/tribunal pathway.

Older Australians are encouraged to plan ahead by making a will, an EPA for their financial affairs and an enduring guardianship appointment (for a third party to make health and welfare decisions on their behalf in case of lacking capacity). Being a multicultural society, Australia is the home to speakers of over 350 languages and 3.4% of the population has reported to speak English not well or not at all (Australian Bureau of Statistics, 2021 census).

This cohort of Australians with little or no proficiency in English is also encouraged to make wills and EPAs. They are generally assisted by NAATI certified or recognised interpreters. The different Offices of the Public Trustee, who administer EPAs, wills, etc. have publications about EPAs in languages other than English. Looking at the strategies used specifically in the Italian and Spanish translations, we find: (1) the use of the English expression and a partial translation, (2) literal translations that arguably do not enlighten the reader (e.g. *poder perdurable* SPA, NSW) and (3) incomplete translation of the EPA concept (e.g. *procura permanente* ITA, VIC).

The T/I's challenge is that the legal concept of the *enduring power of attorney* is the product of one national legal system (Sarcevic 1997), in this case the Australian, which might be quite different from

that of the language translator / interpreter is working into. So Eberle's idea (2009) of 'translating one worldview into another' is helpful. To do this, for starters, one would need to take into account existing concepts in the languages other than English. Using the translations in SPA and ITA mentioned above, the term 'power' is likely to be understood by ITA/SPA speakers ('procura' and 'poder' respectively) as that institute exists in ITA and SPA -speaking jurisdictions. The remaining terms of the expression EPA: 'of attorney' and 'enduring' require specific attention in order to find a successful transfer of the meaning of 'enduring power of attorney'.

It is argued that T/I would be assisted in deciding how best to transfer the concept of EPA by accessing the legislation that regulates the EPA, in the case of NSW section 19 of the *Powers of Attorney Act 2003 (NSW),* which sets out the elements of an EPA. A solution may be paraphrasing e.g. a power appointing a person to act on one's behalf in relation to financial matters that starts operating when one lacks capacity.

However, researching legislation in common law jurisdiction requires specific training about how the legal system is organised, where legislative materials can be located and accessed and how one goes about searching and then reading and construing a legislative provision. But it would appear that this is not a component of current T/I programs in Australia (Stern & Liu, 2019).

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What's in a legal term: An anatomy of EU multilingual legal terminology

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Keywords: legal terminology, termness, termhood, complexity, corpus

Abstract

As units of legal knowledge, language and communication, legal terms are "crystallization of legal rules" (Mattila, 2013) and fundamental building blocks of legal discourse which activate rich knowledge structures necessary to interpret legal texts. Terminology is also a frequent problem in legal translation. There is a growing body of literature on multilingual legal terminology (cf. Bajčić (2017), Prieto Ramos and Guzmán (2018), Biel and Kockaert (2023)), their hybridity (Prieto Ramos & Cerutti, 2022), and in particular variation (Mariani (2021), Biel (2023)) and more recently their (mis)rendering in machine-translated legal texts (Stefaniak, 2022). Yet there is little empirical work into the formal linguistic nature of legal terms and reflection on what makes a lexical unit a (legal) term. This long-term project is intended to fill in this gap.

The objective of this paper is twofold: (1) an empirical objective: to analyse the complexity of EU English legal terms as operationalized through their linguistic form, using the methods of corpus linguistics and language acquisition; (2) a theoretical objective: to reflect on the "termness" of EU terms – what constitutes a (legal) term and which terms could be regarded as a prototype. The core dataset analysed in the study is a salient category of terms — defined terms (cf. Jopek-Bosiacka, 2011) which were extracted from an EU English corpus. They are juxtaposed with reference datasets: (1) English terms documented in the EU IATE's termbase to study intrasystemic variation; (2) terms extracted from comparable corpora of English and Irish statutes to study intersystemic variation; (3) general language corpora to assess their vocabulary load. The analysis covers the complexity of terms in respect of the number of constituents, their categorization into parts of speech and patterns, frequency and repetition of constituents, a local grammar of terms and other features which affect the communicative potential of terms and their perceived difficulty. The corpus design allows for a comparative analysis of terms and their complexity in monolingual and multilingual settings. This type of knowledge about the linguistic nature of terms can inform automatic term recognition, legislative drafting, clear language guides and translator training.

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Démocratie linguistique et institutions : la Cour de justice de l'UE comme *role-model*

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Keywords: Union européenne, Cour de justice de l'Union européenne, multilinguisme, Droit institutionnel

Abstract

L'Union européenne est porteuse d'une vision tout à fait unique du multilinguisme, qui est d'ailleurs très illustrative de son modèle si particulier de l'intégration. Le multilinguisme est sans aucun doute la meilleure réponse face au défi de l'intégration politique et démocratique de l'Union, car il permet de rapprocher les institutions des citoyens, permettant ainsi un débat démocratique plus vivant et transparent. Pourtant toutes les institutions – même dans l'Union européenne – ne sont pas parfaitement multilingues, loin de là.

Si chaque institution se positionne différemment vis-à-vis du multilinguisme. Parfois, celui-ci est très respecté, c'est le cas du Parlement européen typiquement. D'autre fois, le respect du multilinguisme est moindre, comme à la Commission européenne, même s'il faut être précautionneux lorsque l'on évoque son régime linguistique car il est plus complexe qu'il n'y paraît. Aux institutions, l'on peut également ajouter le cas des agences de l'Union européenne, dont les régimes sont très différents les uns des autres. Ce qui est sûr, c'est qu'une institution sort du lot, car elle est parvenue à se positionner de façon hybride : la Cour de justice.

D'un côté, elle n'emploie qu'une seule langue par affaire, la langue de procédure (limitation du multilinguisme), de l'autre elle permet aux parties de choisir n'importe laquelle des 24 langues officielles de l'UE (multilinguisme fort respecté). En sus, elle emploie une langue commune dans le secret du délibéré qui détonne avec toutes les autres institutions : le français.

En ce sens, que ce soit par le raisonnement mathématique ou par un raisonnement qualitatif fondé sur la recherche d'un haut niveau de transparence, de démocratie, mais aussi d'efficacité, le « modèle » offert par la Cour de justice mérite d'être expliqué et décortiqué. Cette idée, fortement appuyée par des recherches antérieures, se confronte à des préconisations de la Cour des comptes européennes qui semblent dès lors erronées (Rapport CDCE, 2017).

Plan provisoire de présentation

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B. La Cour de justice de l'Union, l'expertise qui ambitionne d'être plus démocratique

2. Il est possible de respecter le multilinguisme de façon exigeante sans sacrifier à l'efficacité

A. La Commission copie le mécanisme de la Cour, peut-être même sans le savoir

B. Le potentiel qu'il y a pour les autres institutions et agences à suivre l'exemple de la Cour

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Political controversy and translating legal texts for the media: English versions of the 2023 Catalan amnesty bill in Spain

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Keywords: legal translation, Catalan amnesty bill, ideology in translation, journalistic gatekeeping

Abstract

As part of the negotiations for the investiture of the government after the general elections in Spain in 2023, political parties had to engage in difficult negotiations, the major component being an amnesty for Catalan politicians and civil servants who had participated in the events leading to the attempted independence bid in 2017. Once the text of the bill was finally released, and even before, it led to extreme controversy in Spain, from those who argued it amounted to the end of democracy and the separation of powers, to those who believed it was a necessary step towards the normalization of the situation in Catalonia by putting an end to what was considered "lawfare" against Catalan politicians. Although in principle an internal matter, it attracted the attention of EU authorities interested in whether it was in accordance with the rule of law and the general principles of the Union, for which purpose a translation into English was required. Although the "official" English version was not initially disclosed, most of the relevant fragments dealing with the conditions and the justification for the bill appeared in English in a variety of newspapers and online media, both in Spain and abroad.

In our study, we shall analyse the fragments of the Catalan amnesty bill selected by news outlets from a critical discourse analysis point of view (Richardson 2007; Wodak & Meyer 2001). In this respect, Valdeón (2022) has analyzed the "gatekeeping" phenomenon, whereby information is subject to a double filter: first, only news which agrees with the intention of the medium is reported at a native-speaker (national) level; second, a choice is made of what news items to translate into a foreign language. This allows the journalist, even if the translation is a neutral one, to extract and decontextualize if necessary those quotations that best serve the purposes of the medium. However, the ideological intervention does not end there: as Tymozcko (2014) has suggested, the political position of the medium may influence the translations of the decontextualized fragments themselves.

Our analysis will first focus on which fragments of the amnesty bill have been chosen for translation, comparing them to those which have been left out, which is a clearly ideological decision, especially given the very distinct nature of the source text itself. Although this is a statutory text, the preamble or explanatory memorandum, containing the rationale for the legal changes, is much longer than the sections themselves, which is to be expected in any statutory move with a high ideological load and potentially controversial. By quoting, reinforcing or omitting the argumentative case in favour of the bill, the news outlet can frame the bill as a positive or a negative move. Then, we shall look at the translations themselves, attempting to find differences in the rendering into English. Our hypothesis is that, in the case of newspapers, both the choice of fragments and the translation decisions will to some degree agree with the political leanings of the medium. This study will benefit from two references for comparison: a pilot study carried out with translation students at a smaller scale on the same topic,

which showed slight -but noticeable- correlations between political leanings and translation choices. In the face of a clearly non-neutral source text (the original goes to great lengths to justify the proposed amnesty and carefully addresses potential criticism), the translations by the students provided useful insights. Specifically, it was found that, although the objective terminology seemed not to vary, there were significant changes in other stylistic elements, specifically those adding emphasis to the argumentation. The second reference will be the "official" translation used by the Venice Commission (a Council of Europe body verifying compliance with rule of law) to report on the proposed bill, a translation which very likely was provided by the Spanish government itself, and therefore agreeing in aims and purpose with the authors of the bill.

The context for this study is that of political globalization, whereby political news items are very likely to be translated for consumption by foreign readers: this becomes crucial when external validation (or the opposite) is sought to support a political view in a given country. It is expected that the analysis of the multiple stages the translation process goes through may cast light on similar situations where political players at a national level (political parties, but also news media) seek to internationalize debate in order to gain support for their views.

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The backstage of institutional multilingualism. Exploring Swiss federal translators' profiles and needs

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Abstract

Switzerland is recognised globally as an exemplar of multilingualism. Federal institutions are able to communicate with citizens in all four national languages, i.e. German, French, Italian, and Romansh, as well as in English, thanks to translation. This includes publishing a plethora of legal and administrative texts, such as federal laws, policies, web pages or letters. In recent years, the number of research projects on institutional texts written and translated by the Swiss Confederation has increased significantly (see e.g. Schweizer, Borghi et al. 2011). However, there is a lack of studies dedicated to the agents of this socially fundamental practice, namely the translators. The year-long research project "The multilingual voice of Swiss federal institutions: Bringing translators' profiles and needs to the fore" (SWIFT), funded by the Swiss National Science Foundation (SNSF), aims to fill this gap. In this paper, we intend to present the project and the most prominent macro-level trends that emerged.

The specific objective of the SWIFT project is to paint a comprehensive overview of the profiles of institutional translators working for the language services of the Swiss Confederation. Additionally, it aims to identify current needs in a fast-evolving landscape and, ideally, to point to potential solutions to the problems encountered by the language services in their daily practice.

The SWIFT project builds on previous valuable works on legal and institutional translation. With regards to *profiles*, it is based on the operationalisation of competences for institutional translators as depicted in relevant frameworks (see e.g. Prieto Ramos 2011) as well as previous empirical studies (Lafeber 2023). In terms of *needs*, previous works on human-computer interaction (see e.g. Cadwell et al. 2016), quality assurance practices (see e.g. DGT 2013) and new training needs (see e.g. Svoboda, Biel and Sosoni 2023) in legal and institutional translation represented a solid basis to formulate hypotheses and devise a methodological approach allowing for the creation of ideally comparable data.

The SWIFT project is grounded in the field of the sociology of translation and relied on robust social science methods, including:

A content analysis of a corpus of 250 job announcements for the recruitment of federal translators, which was compiled *ad hoc*. The analysis was carried out to identify the main competences required of

new federal translators and investigate the descriptors of the tasks they are asked to perform in their role.

A large-scale survey distributed to all federal in-house translators, inquiring about their backgrounds, competences, current tasks, uses and perception of translation technologies and perceived needs. A total of 217 full responses were collected, corresponding to a response rate of 45%, with a good balance of responses across organisational units, language sections and roles within the language service.

20 semi-structured interviews with heads and vice heads of service, legal drafters, translators, a language technology specialist and a terminologist. The aim of the interviews was to gain insight into the main trends that emerged from the survey, including the evolution of the language services and the main challenges faced by translators in their daily work.

The integration of different sources of data and methods of analysis made it possible to project a comprehensive picture of the dynamics under investigation, while also compensating for the limitations of each method.

The results show that the role of an "institutional translator" at the Swiss Confederation encompasses a broader range of tasks beyond translating and revising, including the use of translation technologies, project management, language consulting and proofreading original texts. However, these tasks are not always adequately reflected in the job titles. In addition to the typical language and translation competences, the importance of personal and interpersonal skills was identified as a key requirement for this role, while other competences, such as the thematic one, can be acquired on the job.

Translation technology tools, including CAT tools and MT in particular, are exposing the language services to fast-paced developments that clearly require some change management. While federal translators enjoy a high degree of freedom in the use of MT, a number of fears and resistance factors were identified, not only in relation to the use of MT, but also in relation to how MT is used and viewed outside the language services and the way in which it changes the interaction between text authors and translators.

This project made it possible to give voice to federal translators and shed light on their crucial, but often invisible, social activity. Supporting the ongoing process of change with scientific data can provide solid evidence to frame potential difficulties through an external, rigorous lens. This can enable language services to negotiate solutions with institutional decision-makers relying on stronger proofs rather than anecdotal, subjective or impressionistic arguments. The ultimate goal of the SWIFT project is not only to shed light on the key role of federal translators in ensuring multilingualism, but also to monitor the evolution and new demands on the profession and to ensure that current training curricula are in line with actual needs.

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La traducción de los instrumentos de cooperación judicial en materia penal de la Red Judicial Europea: el caso de las fichas belgas

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Abstract

A comienzos de la década de los años noventa del siglo xx, Europa experimenta una serie de cambios de gran calado (extinción de la Unión Soviética, consecuencias de la caída del Muro de Berlín, auge de nacionalismos y conflictos interétnicos en Europa central y oriental) que hicieron que la entonces denominada Comunidad Económica Europea reaccionase ante estos acontecimientos mediante un instrumento jurídico-político que diera un impulso al proyecto de integración europeo iniciado en 1951 y sirviese, entre otros cometidos, como mecanismo para ahondar en la cooperación de los distintos Estados miembros y permitiera la creación de estructuras y organismos para potenciar y reforzar la cooperación o auxilio judicial. Así surgió el Tratado de la Unión Europea (comúnmente conocido como de Maastricht). Con objeto de llevar a cabo dicha cooperación judicial de la manera más eficaz posible, el tratado establece en su artículo 3.2 la creación de un «Espacio de libertad, seguridad y justicia» en el que esté «garantizada la libre circulación de personas conjuntamente con medidas adecuadas en materia de control de las fronteras exteriores, asilo, inmigración y de prevención y lucha contra la delincuencia». Producto de este objetivo fue la creación, el 29 de junio de 1998, de la Red Judicial Europea, red de puntos de contacto nacionales con vistas a facilitar la cooperación judicial en materia penal.

En este contexto entra en juego la traducción, que desempeña un papel fundamental en el buen funcionamiento de los procesos de cooperación entre los Estados miembros y cuyo papel resulta indispensable en el engranaje institucional de la Unión Europea. Gracias a ella, los textos generados pueden ser comprendidos por todas las partes implicadas, lo que garantiza uno de los derechos básicos de todo ciudadano. No obstante, pese a su enorme importancia, la literatura académica en torno a la traducción de los principales instrumentos de cooperación judicial en materia penal es todavía muy escasa, y la mayoría de los estudios traductológicos se centran en el proceso de traducción de la institución de forma global y en la terminología comunitaria.

Por ello, la presente comunicación se centra en uno de los instrumentos de cooperación judicial en materia penal disponibles, las denominadas fichas belgas (*fiches belges*), herramienta jurídica que proporciona información práctica sobre conjuntos específicos de medidas cubiertas por la cooperación judicial en materia penal en el marco de la Red Judicial Europea. Contienen información proporcionada por los Estados miembros con arreglo a las disposiciones de la *Decisión 2008/976/JAI del Consejo de 16 de diciembre de 2008 sobre la Red Judicial Europea*. Componen un total de 42 cuestionarios estándar en forma de fichas sobre el sistema de procedimiento penal de cada Estado miembro de la Unión Europea en relación con las medidas de investigación y antecedentes solicitados para la cooperación judicial. En ellas se recogen los puntos básicos de varios tipos de medidas de

investigación tal como se practican en las distintas legislaciones nacionales (Orden Europea de Investigación; equipos conjuntos de investigación; Orden Europea de Detención y Entrega, remisión de procesos; embargo, decomiso y restitución de bienes o tránsito de personas, entre otros). Cada ficha está dividida en varias partes: aplicación de la medida; marco jurídico; autoridad competente; lenguas aceptadas; plazo límite de ejecución; e información jurídica práctica y concisa. Dicha información está destinada a los puntos de contacto y a las autoridades judiciales locales con el fin de permitirles redactar las solicitudes de cooperación judicial. Son, en consonancia con la clasificación de géneros textuales jurídicos de Borja Albi (2000) y Barceló Martínez (2020), un texto híbrido normativo-divulgativo.

Así, y partiendo de la traducción realizada al español de las fichas belgas de Francia y España (dado que todas las fichas belgas están redactadas en inglés), el objetivo de la presente comunicación es describir y analizar las principales dificultades de traducción de este instrumento de cooperación judicial en materia penal. En concreto, nos centraremos en las dificultades terminológicas detectadas a partir de cuatro categorías principales (normativa, organismos, actores y conceptos jurídicos), partiendo siempre de la premisa de análisis de que se acogen a lo dispuesto en el *Libro de estilo interinstitucional* de la Unión Europea. Asimismo, y como complemento a lo anterior, se analizará también una de las partes en que se dividen las fichas belgas, en concreto la sección dedicada a las lenguas aceptadas en las solicitudes y resoluciones de cooperación jurídica internacional en materia penal por parte de la República Francesa y el Reino de España, lo que nos permitirá obtener una visión panorámica de cómo tratan, desde el punto de vista de la traducción, a la documentación recibida como Estado requerido (o Estado de ejecución) en tales procesos.

Todo ello nos permitirá llegar a la conclusión de que, desde un punto de vista terminológico, las principales dificultades de traducción de la terminología de las fichas belgas de Francia y España residen en aquellos fragmentos de las mismas en los que la densidad terminológica de los ordenamientos jurídicos nacionales es mayor, frente a los pasajes en los que se remite a la terminología comunitaria, donde el proceso de homogeneización terminológica (fruto de la «corredacción» de los textos normativos comunitarios) facilita con mucho el proceso traductor. Así pues, se constata que, como ocurre con la traducción jurídica a nivel nacional, la existencia de anisomorfismos jurídicos sigue siendo uno de los mayores caballos de batalla de la disciplina.

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Interrogating foreign-language suspects: The use of handwritten statements in Belgian criminal proceedings

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Keywords: language assistance, entextualization, right to interpretation, Directive 2010/64/EU

Abstract

This contribution reports on the results of an institutional ethnography on language assistance in criminal proceedings in Belgium. The aim of this study is to examine how the European right to translation and interpretation for foreign-language suspects and accused persons is put into practice in Belgian criminal proceedings. The ongoing study draws on data collected from the police department and the criminal court in a city located in the Dutch-speaking part of Belgium. The research project combines several types of data, including a representative sample of criminal case files and interviews with key stakeholders in the criminal proceedings, such as prosecution staff and criminal lawyers. During data collection, we encountered an interesting finding: the Ghent police occasionally allow foreign-language suspects to write down their statement in a language of their choice, bypassing oral questioning with the assistance of an interpreter. This practice raises questions about compliance with European language rights and the adequacy of written versus oral testimony (see also Bambust, 2016).

Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that everyone has the right to a fair trial, which includes that all accused persons should be able to communicate with the court in a language they understand. This principle is elaborated in Directive 2010/64/EU, which mandates free oral and written language assistance for suspects or accused persons from the moment they are suspected or accused until the conclusion of the proceedings. Regarding oral language assistance, Directive 2010/64/EU requires that Member States must have a mechanism to assess the language proficiency of suspected and accused persons to determine the need for an interpreter (Article 2(4)). If it is determined that suspected or accused persons do not speak or understand the language of the proceedings, they should receive the assistance of an interpreter during any police questioning (the focus of this contribution) and during all court hearings (Article 2(1)). The Directive was transposed into Belgian legislation in 2016, but even before this transposition, the provision of interpreter assistance during police interrogations was already included in the national legislation. National legislation states that at each stage of the proceedings, competent authorities should determine if the involved person understands the language of the proceedings and requires an interpreter (Article 31 (3) Act on the use of languages in judicial proceedings). During the investigative pre-trial stage of the proceedings, foreign-language suspects are entitled to the free assistance of a sworn interpreter during any questioning by the police (Article 47bis §6.4 (1) Code of Criminal Procedure (hereafter: CCP)). This right is communicated to the suspect through the 'Letter of Rights', which is issued before questioning starts (Article 47bis §4 CCP) and available in 52 languages (Vanden Bosch, 2017). If no interpreter is available, the suspect may be asked to write down a statement in their own language (Article 47bis §6.4 (1) CCP), a provision not contained in Directive 2010/64/EU and based on longstanding police practices (Engelen, 1999).

Data collection revealed that the police occasionally use this option to have foreign-language suspects write down a statement in their own language instead of doing an oral interrogation with interpreter assistance. We more specifically analysed a representative sample of criminal case files in which the correctional court rendered a judgment between 2018 and 2021. As criminal case files contain a written record of all investigative acts carried out in the course of the investigation (Bloch, 2019) and constitute a paper trail of the proceedings, they shed light on the implementation of the right to oral language assistance during the investigative pre-trial stage of the proceedings, during which the police collects evidence and interrogates suspects. In the analysed sample, 14% of the foreign-language suspects wrote down a statement in a language other than Dutch. Moreover, these statements account for 33% of the sworn translations ordered by the correctional court in the investigated time frame. The use of these handwritten statements raises several questions, including whether such a handwritten statement is equivalent to an oral interrogation, whether it is reconcilable with the right to an interpreter as described in Directive 2010/64/EU, whether all suspects are sufficiently literate to write down a statement themselves, and how the foreign-language statement is used in the proceedings.

In order to answer these questions, we employed a triangulated data collection strategy, incorporating (1) policy documents and literature regarding this practice, (2) semi-structured interviews with police and prosecution staff and (3) an inductive qualitative analysis of a selection of the collected statements (which is still ongoing). Preliminary findings suggest that the statements undergo a process of entextualization during the course of the proceedings: the translation of the statement can lead to information in the statements being lost, added, or altered. Additionally, the analyses demonstrate that the provisions regarding oral language assistance in Directive 2010/64/EU are not always easy to implement in daily police work, thus compelling police officers to develop pragmatic micropolicies to translate law into practice. These findings highlight the practical challenges of implementing EU language rights in criminal proceedings.

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The absence of definitions in domain specific lexicographic resources for previously marginalised South African languages

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Keywords: Definitions, Interpreter training, Legal Interpreters, Lexicography, Terminology

Abstract

Terminology development involves the study of domain-specific terms, including their collection, recording, documentation, description, processing, systematising, standardising, presentation, and dissemination. On the other hand, terminography focuses on documenting terms in domain-specific or technical dictionaries (Alberts, 2011:20). South Africa has undertaken numerous terminology development projects that concentrate on previously marginalised languages. The outcomes of these projects typically provide English descriptions of terms along with their equivalents in the other 10 South African languages that lack descriptions in those languages. This article examines the discriminatory nature of the structure in developing and documenting terms in a country with 12 official languages.

This article raises questions about the terminology development structure used in South Africa. Pienaar and Cornelius (2018) highlighted the importance of developing terminology in marginalised languages, while also recognising the importance of developing English and Afrikaans. In order to further this goal, they translated the book "Terminologie van het tolken" by Salaets, Segers, and Bloemen (2008) from Dutch to English, Afrikaans, isiZulu, and Sepedi to improve the development of these terms. However, their translations did not include descriptions and additional information for the previously marginalised languages, unlike for Afrikaans and English. This study aims to investigate the impact of this structure on language development and on interpreters who use lexicographic resources.

The language development strategies used in South Africa are biased and promote inequality among languages. By leaving out definitions in lexicographic resources, users' comprehension of terms is limited, especially with newly created terms, leading them to often turn to English resources for clarification, even though English may be their second, third, or fourth language.

Terminology development involves creating new terms using existing words (Okeke & Obasi, 2014). When these words are used in a specific discipline, they may take on a new meaning. For users to understand this new meaning, the terms must be defined to explain the context in which they are used. In South African lexicographic resources, definitions are often omitted and only presented in English, which can lead to misunderstandings of the word in its context. Additionally, lexicographic work in African languages does not always distinguish between different meanings, which can cause users to interpret the word incorrectly. Therefore, it is crucial for African lexicographic resources, such as dictionaries and terminology lists, to include clear definitions.

As noted by Pienaar and Cornellius (2018), all languages in South Africa, including English and Afrikaans, should be developed. However, due to the historical marginalisation of African languages, there is a need to prioritise their development to ensure they are on par with English and Afrikaans. Therefore, this study proposes translating descriptions in all languages included in the terminology lists

to aid in term development and understanding for interpretation purposes in the target language. While English and Afrikaans have various subject-specific dictionaries, previously marginalised languages lack similar resources. While many resources provide equivalents of English terms in African languages, incomplete development remains if there are no accompanying definitions in all languages. Definitions complement equivalents, reducing reliance on source language definitions and improving comprehension in the target language (Laufer & Hadar, 1995).

This study was conducted using the qualitative research method on a desktop. The researcher performed text analysis by examining samples from a multilingual terminology list selected from the "Interpreting Terminology" (Pienaar & Cornelius, 2018). The researcher analysed the terminology and definitions, then reported on the implications of the lack of definitions in lexicographic resources in terms of prioritising the user.

This study discovered that the lack of definitions in lexicographic resources for African languages is harmful to the users. Pienaar and Cornellius (2018) identified challenges and the lack of terminology as one of the reasons for unequal translation into Sepedi. However, many documents (such as the country's constitution, legislation, and books) have been translated into the language, demonstrating the ability to translate African languages.

Due to the presence of "untranslatable" terminology or medical terms, there emerges a very specific politics of untranslatability, tied to culture, worldview and identity, where it appears that some things are better left untranslated, or we have to reckon with the fact that we are actually never done translating. Rather, translation is always in a process of becoming. (Sikhakhane, 2019:iv)

The evolving nature of translation in African languages requires translators, authors, lexicographers, and terminologists to utilise strategies that promote synergy in language development and the creation of lexicographic resources for all users. This article considers all official languages of the country as equally important and emphasises the need to include previously marginalised languages in the development of lexicographic resources. The current level of inclusion not only highlights the unequal treatment of languages in the country but also the significance of these resources in the professional and linguistic growth of language experts, including interpreters. Therefore, it is essential for lexicographers and terminologists to empower interpreters in the creation of user-friendly terminology lists and dictionaries that incorporate detailed descriptions and etymology, definitions, and examples of term usage to lessen reliance on resources from other languages.

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A corpus-based investigation of gender terminology in the Leeds monolingual and parallel corpora of Arabic and English countries' constitutions

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Keywords: corpus-based diachronic analysis, legal terminology, gender-inclusive language

Abstract

While the language of gender in legal documents has gained attention in Western contexts over the past decade (see El-Farahaty, 2023), it remains an under-researched topic in the Arab world. This gap in research may be attributed to the complex linguistic and socio-political aspects associated with the Arabic language and its culture (e.g. the long-standing Arabic tradition of using the masculine to refer to both genders) (El-Farahaty, 2015; 2023). However, a small number of researchers have recently begun to explore the language of gender and the use of gender-inclusive language in the Arab world (Brown and Gilchrist, 2018; Elewa and El-Farahaty, 2022; El-Farahaty, 2023).

In this paper, I will build on a prior small-scale study conducted in 2023 titled "A Comparative Investigation of Gender Terminology in the Egyptian and Tunisian Constitutions." In this study, I discussed the various factors influencing the adoption of inclusive language in the Arab world, comparing gender terminology in the Egyptian Constitution (EgC) and the Tunisian Constitution (TuC). In the current paper, I will conduct a corpus-based diachronic analysis of gender-specific terminology across 22 Arabic Constitutions, using The Leeds Parallel and Monolingual Corpora of Arabic Countries' Constitutions (El-Farahaty, Khallaf, and Alonayzan, 2023). The paper will also explore to what extent these gender-specific terms are inclusive in the English translations of the constitutions that are shared with the general public. Through this diachronic investigation, the analysis will take into consideration the different socio-political situations in different countries of the Arab world.

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Using frame semantics to assess the quality of suggested translations in translator training

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Keywords: translator training, frame-based terminology, knowledge communication, processes of understanding

Abstract

In modern legal translator training, probably the most central task to train students for is to enable them to assess the semantic quality of suggested target text renderings of source text elements, especially in the field of legal terminology. This has to do with the rapid development in the quality of machine translation in the field of legal translation (due to neural machine translation and large language models), which means that the profile of legal translators' competence is changing. Producing a grammatically consistent text in the target language is no longer as central a task as it once was. The importance of general patterns in this task gives the machine an advantage over the translator.

On the other hand, assessing the quality of how legal concepts from the source text in its communicative situation are rendered in the target text situation according especially to problems such as the lack of semantic overlap between concepts at system level in source and target cultures or the need to adjust to specific target situation requirements is still a task in which the human translator has an advantage over the machine. Hence, it is my claim that we need to strengthen the competences of translation students by providing them with systematic ways of evaluating their own translation proposals or the translations offered to them by machine translation systems to support their development of skills relevant for the latter task.

It is my hypothesis that a frame approach to legal terminology embedded in a functional approach to translation can efficiently help students develop strategies that can balance their lack of experience in making translational decisions. In my talk, I want to present and test I will present a model for assessing the quality of suggested translations of legal terms suitable for didactic purposes. Concerning the frame-based approaches in the model I depart from ideas on terminology presented by Faber (2015) and L'Homme (2019) and on relations between language and knowledge (Tantucci, 2021). Concerning a functional approach to (legal) translation, main sources of inspiration for the model is the work of Way (2019) on a decision-centered approach to training as well as work on legal translation as knowledge communication (Engberg, 2021).

The central criterion in the model is the projected result of a knowledge construction process and its fit with source term meaning and central aspects of target situation. The model will be tested on a set of student translations.

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Training legal translators in a Norwegian context

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Abstract

In this paper, we discuss the curriculum design of JurDist, a master's course in legal translation, which has been offered as an online course for the language combinations Norwegian – English, Norwegian – French, Norwegian – German, and Norwegian – Spanish since 2013. We describe today's curriculum, which has undergone substantial changes in 2022. The recent modifications aim at improving the students' performance in accordance with current research in translation theory (i.e., translation competence development, legal translation competence) and in line with current approaches to learning and teaching (e.g., taxonomies describing various levels and kinds of understanding, student-active teaching and learning).

There are two reasons that substantiate the need for training courses in legal translation in Norway. Firstly, there is a considerable societal need for specialized translation in general, and legal translation in particular, because (a) Norway has extensive commercial and political relations with a number of countries and (b) because of immigration. As a result, the translation of legal texts constitutes a large amount of the work of a specialized translator in Norway. Secondly, the Norwegian higher educational system is characterized by a scarcity of translator education programs. Thus, a substantial number of translation professionals in Norway have not undergone translator education comparable to that in other countries. However, Norway has implemented a certification system by way of an accreditation exam (Norwegian Translator Accreditation Exam, NTAE). One part of the exam is the translation of a legal text, which proves to be challenging for the majority of exam takers. Exam candidates may therefore complete the course before taking the exam. Additionally, other institutional and freelance translators in the Norwegian market who are not certified or who do not intend to take the official exam benefit from targeted training in legal translation.

To meet this need for training courses, JurDist is offered as a "stand-alone" course as part of an executive program (continued professional development, CPD) at the Norwegian School of Economics

(NHH). It runs over two semesters (12 lecture weeks each semester) and upon successful completion, participants are awarded 15 ECTS. During the first semester, comprehensive knowledge of the Norwegian legal system and the respective other system (France, Germany, Spain, and the UK) as well as knowledge of the comparative law method is taught. This knowledge is the basis for the practical translation exercises in the subsequent semester. During the second semester, the students practice the translation of different legal genres (e.g., legislative texts, regulations, rulings, decisions, contracts/agreements, court documents, wills) from Norwegian into the other language (English, German, French, and Spanish respectively) and vice versa. During the lectures, the students actively discuss their translations of a given source text. This includes aspects such as the translation brief, terminology, grammar, layout, style and genre conventions, as well as sources of information. In addition to the translation per se, the students are asked to write reflection protocols discussing (a) the impact of the translation brief on the specific translation; (b) their own translation choices; as well as (c) their translation processes (e.g., their information mining behavior). The purpose of these reflection protocols is to increase the students' awareness of their approaches to the translation task and consequently enhance their translation performance and proficiency. The course attracts aspiring translators, professional translators, and sometimes legal professionals from Norway and other countries, who want to receive training in legal translation in one of the language combinations offered. In order to reach as many students as possible, the course is offered online. Our students are scattered around Norway or follow the course from abroad. The use of online platforms for teaching purposes has accelerated in the educational sector, and remote learning and teaching has gained ground in the field of Translation & Interpreting Studies (TIS). Our experiences from more than a decade of teaching this course contribute to the development of distance teaching in translator education in general and legal translation in particular.

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La traducción jurídico-administrativa en la pantalla: la película francesa *Novembre*, un estudio de caso

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Keywords: Traducción audiovisual; Traducción jurídico-administrativa, Terminología policial; Compensación

Abstract

A diferencia de lo que ocurre en ámbitos de especialidad como las ciencias y las técnicas, donde las realidades reflejadas en los textos son las mismas, con independencia de la lengua en la que estos estén redactados, el ámbito jurídico-administrativo se caracteriza por una asimetría en los referentes. Esta asimetría obedece a las diferencias existentes entre los distintos ordenamientos jurídicos y la organización administrativa de los diferentes países y/o lenguas que entran en contacto en una traducción. En los textos escritos, el traductor dispone de cierta flexibilidad para añadir pequeñas explicaciones a los términos que las requieren, especialmente cuando se trata de traducciones juradas. No obstante, cuando los contenidos jurídicos o administrativos se encuentran en un formato audiovisual, esta flexibilidad se ve drásticamente reducida a causa de los distintos tipos de sincronía que deben existir entre el texto y la imagen, fundamentalmente la que afecta a la duración de las frases (isocronía) y la que afecta a los movimientos bucales de los actores de la pantalla en los planos cortos (sincronía fonética). En ese contexto, las dificultades para el traductor aumentan en función del ritmo y la duración de las frases, así como de la visibilidad en la pantalla de los actores.

Esta comunicación se sitúa en esa intersección entre la traducción jurídico-administrativa y la traducción audiovisual, donde a las exigencias de la traducción de un ámbito de especialidad se unen las restricciones propias del formato. Situándonos en una perspectiva descriptiva, el propósito de este trabajo es analizar los problemas de traducción al español de la cinta francesa *Novembre* (Cédric Jiménez, 2022), que recrea el trabajo llevado a cabo por la policía durante los días siguientes a los atentados perpetrados el 13 de noviembre de 2015, en París. Por un lado, dichos problemas están relacionados con la presencia de terminología jurídico-administrativa propia de la policía francesa, con la mención de unidades que no tienen una correspondencia en el sistema policial español, con la abundancia de siglas, todo ello intercalado en unos diálogos que se expresan de forma oral y en un contexto coloquial. Esta característica se aleja de los géneros y usos propios de los textos jurídico-administrativos, que solemos relacionar más bien con textos escritos. Por otro lado, hallamos las exigencias propias de la traducción audiovisual, principalmente de la isocronía y la sincronía fonética en planos cortos. La conjunción de ambos tipos de problemas hace que el margen de actuación del traductor se estreche considerablemente en función de elementos técnicos como la fotografía o los tipos de plano.

En este trabajo, hemos identificado y clasificado una serie de términos del ámbito jurídico-administrativo y policial que aparecen en la película y hemos analizado cuáles han sido las técnicas de traducción por las que se ha optado en el subtitulado español. La neutralización, la reducción y la

compresión aparecen como las principales herramientas de las que se vale el traductor para dar cuenta de todos los elementos señalados anteriormente, empujado por la presión espacio-temporal propia del subtitulado y por los condicionantes de la imagen. No obstante, cabe señalar que esta última, además de representar una restricción, acaba siendo a veces un precioso aliado y un elemento de apoyo que hace que el espectador comprenda globalmente el texto audiovisual, a pesar de las limitaciones de la traducción escrita, gracias a elementos como la fotografía y los tipos de plano. Esto representa en cierta medida un mecanismo de compensación que se debe tener siempre en cuenta a la hora de valorar la validez y la eficacia del subtitulado. Así, el texto traducido ha de ser analizado en su conjunto y no únicamente en los elementos lingüísticos, ya que el camino recorrido por el traductor para subtitulado pasa a veces por encontrar una solución de traducción que, a pesar de las eventuales pérdidas lingüísticas, aproveche la imagen de la que el subtítulo es compañero inseparable para que el espectador del texto meta reciba un mensaje lo más parecido posible al espectador de la versión original.

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Unspoken struggles: Exploring the gendered implications of technologized translation practices in the UK home office's asylum backlog case

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Keywords: asylum interpreting; machine translation; gender; streamlined asylum process; practice theory

Abstract

The presence of women fleeing human rights abuse and seeking asylum in the UK is a well-established phenomenon. Women claim asylum predominantly to escape gender-based harm, inflicted for political, religious, racial reasons, or same-sex conduct; or for reasons which are in themselves gender-based, as domestic violence, forced marriage, female genital mutilation, and "honour"-based crimes. Within the asylum process, women are considered a highly vulnerable group. They face specific barriers in disclosing violence and in accessing specialist, gender-sensitive support services, and are at greater risk of continued abuse and financial instability. Additionally, while inequality affects women everywhere, displaced women experience the sharper edge of the social divide. They struggle to find employment and rebuild their lives, confronted by the double stigma of being both a woman and a refugee, and the trauma of adapting to a new country, community, language, and culture while fleeing violence.

The UK's Home Office – the ministerial department of the British Government for immigration, security, law and order – acknowledges in its guidelines the gender-based nature of women's claims in the process of asylum seeking caseworking. Yet, despite such indications, asylum-seeking women encounter distinctive obstacles in a system which is structurally hostile and unresponsive to their needs. These include difficulties in disclosing personally and culturally sensitive information; recurring dependence on male partners and relatives for legal status claimant procedures; a "culture of disbelief" surrounding the credibility of women's stories, paired with the trivialisation of gendered forms of persecution (Hunt 2008; Maryns 2013). Alongside, research has underlined that the communicative difficulties arising from language, culture, and narrative convention differences make interpreting an integral aspect of the asylum experience (Inghilleri 2005; Killman 2020). Specifically, scholarship argued that interpreting is configured as a space supporting women's narrations, access to legal and social services, and sensitive disclosure in culturally and linguistically appropriate ways (Todorova 2020).

However, while the justice and asylum systems in the UK have traditionally relied on interpreting, recently concerns were raised about the Home Office's use of questionnaires in lieu of official interpreted-mediated interviews to clear the 117,000-applications asylum backlog as of 2023. The policy targets claimants from eight countries – Afghanistan, Eritrea, Iran, Iraq, Libya, Sudan, Syria, and Yemen – to increase efficiencies in the processing of asylum claims that met certain criteria and can therefore be considered manifestly well-founded. Claimants are required to reply in English by relying on machine translation or non-professional language brokering within 20 working days, pending asylum refusal. The circulating translation and interpreting lay discourse underlined the danger of

mistranslations and the necessity for employing professional language facilitation (e.g., ITI & CIOL 2023). Nevertheless, reflections have neglected to consider pressing implications concerning the bureaucratization and technologization of asylum processes.

In particular, the new policy raises significant questions about women. Women are considered a highly vulnerable group due to the gendered nature of their experiences, and the justice system's structural incapacity to account for gender as a legal ground for persecution in asylum claims. Hence, drawing upon available policy, report, statistical, and media evidence, this presentation questions the Home Office's exercise of institutional and gender-unequal power through the streamlined asylum system. In doing so, it specifically examines the complex relationship between gender, power-perpetuating state language policies, and the reliance on machine translation and informal language assistance in lieu of formal interview and interpreting support for claimants from targeted countries. It argues that this process does not only reinforce women's vulnerable position; it also limits the resources at their disposal in the asylum system by withdrawing the support of linguistic and cultural mediation.

The presentation employs a practice theory ontology, particularly its posthumanist version in alignment with feminist and science and technology studies (Gherardi 2017), to frame the analysis of the gendered implications of the Home Office's asylum backlog case. This ontological approach considers social phenomena as "practices" (regimes of doing, knowing, relating, and saying). Practices work as loci of reproduction of, but also resistance to the status quo, as they are bearers of institutional structures, norms, discourse, power, and materiality. By adopting this perspective, the study aims to understand how the interplay of revised, technologized, and bureaucratized asylum-seeking practices, such as the utilization of questionnaires and reliance on machine translation, impact women asylum seekers.

This presentation finds that female asylum seekers face institutional and gender-unequal challenges within the new streamlined process. These challenges include women's high degree of digital exclusion, preventing access to important information, advice, and support through technology, including machine translation itself; dependence on small supportive networks, often contingent on domestic partners and potential exploitative marital situations; limited access to English for Speakers of Second Languages (ESOL) classes, including additional barriers such as illiteracy; barriers to legal advice services accompanied by low levels of financial means; and forced reliance on local communities' "linguistic charity" in lieu of formal interpreting and cultural mediation services. Combined, these practices can lead women to experience manipulation of their narratives and loss of their "authentic voice". Overall, the presentation suggests that the implementation of the new asylum-seeking practice transfers the burden of language and intercultural understanding from the justice and legal aid sector to women, feeding a climate of exclusionary policies that significantly restrict female asylum seekers' right to be adequately heard.

To this extent, the study contributes to knowledge in three ways. First, the theoretical harness of a practice-based approach provides a distinctive epistemological standpoint, allowing us to trace the ramifications of language and immigration policy, highlighting that we cannot view them in isolation but must analyse them as embedded in institutional practices and their power configurations (Giustini 2024). Second, it highlights how the streamlined asylum process weaves together several institutional, legal, and technological practices in a process whereby the immigration and judicial systems are partly exonerated (or exonerate themselves) from the understanding of gendered and language barriers. Finally, and extending existing knowledge on interpreting in asylum settings, it calls for reconsidering

adversarial asylum processes. Hence, it emphasizes the importance of upholding language practices that amplify, rather than silence, the voices of women asylum seekers.

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Plain language and machine translation in the legal field: Uprooting linguistic obscurity at the pre-editing stage

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Keywords: plain language, machine translation, pre-editing, legal translation, intra-lingual translation

Abstract

Legal texts are known to be challenging for translators not only because they are highly specialised (this normally implies very specific terms of art and text types), but also because of the complex and formulaic language legal professionals tend to employ when communicating in writing (and also orally). By reason of this complexity, some legal texts may be confusing and, consequently, may give rise to difficulties during the translation process, whether this process is undertaken by a human being, by a machine or by a combination of both. In situations where a potential ambiguity of meaning may be transferred from the source text to the target text, translators should act in order to avoid such vagueness (as long as this vagueness is not intended). My aim here is to study whether the systematic application of certain principles of plain language can help the translator to solve this problem, in particular when pre-editing the source text before submitting it to machine translation.

Researchers have already argued that translators may potentially deliver a better translation product if they apply plain language techniques to their practice, especially in the legal field (Hammel, 2008; González-Ruiz, 2014). Regarding machine translation output, the benefits of implementing plain language strategies are already under study, both at the pre-editing (e.g. Pérez & Vigier, 2023) and post-editing (e.g. Gledhill & Zimina, 2022) stages. In addition, the recent publication of part 1 of the ISO 24495-1:2023 standard on plain language (and the ongoing work on part 2 of this standard, devoted to legal writing) has contributed to emphasise how clear communication can be an added value for language professionals, translators among them. In this context, it is fitting to ask to what extent and in what ways plain language concepts and strategies are likely to improve the effectiveness of machine translation.

In this presentation, by 'plain language', I am not alluding to the principles of “easy language” (i.e. a method of language simplification for groups of readers with specific cognitive needs). Instead, I am referring to the clear writing techniques which an author uses to communicate effectively with any particular reader or group of readers. The techniques I will discuss are those related to language comprehensibility, which is just one of the components of any clear communication endeavour. In other words, I will center on what makes the information in a text understandable at the linguistic level, and not on whether that information in the text is relevant, findable or usable [1]. In particular, I will use a set of guidelines listed under the ISO standard’s governing principle number 3 (on how to make a text understandable). These guidelines correspond to linguistic operations aimed at rephrasing the text with the intention of making it more comprehensible, but which do not involve a change in content or register. In order to examine the potential value and scope of plain language as a beneficial tool in the pre-editing phase, I will study the application of these strategies in the context of a translation assignment from

Spanish into English regarding a *testamento* (last will and testament) as executed in Spain before a Spanish *notario* (notary).

Spanish *testamentos* feature some of the most prototypical deficiencies of legal communication in Spain (in the sense that the language used in them is very often extremely formulaic, imprecise and grammatically incorrect). For this reason, the results of this research will allow us to reach conclusions about the possible benefits of plain language in facilitating and improving the machine translation of archetypal legal texts in the Spanish-English combination. Likewise, this study will help to define which plain language techniques may be best suited to improve the quality of legal source texts that are particularly challenging in terms of clarity and translatability.

Notes

[1] These four components or traits (relevant, findable, understandable and usable) are the basis of the International Plain Language Federation (IPLF)'s definition of "plain language" (https://www.iplfederation.org/plain-language/), and of the governing principles contained in the ISO standard 24495-1:2023 on plain language.

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"The sound of drivel. Interpreters and the manipulation of style in the legal discourse", in *Lebende Sprachen* in 2018, and "Is ambiguity a source of inequity? Nominalization in sustaining and effacing power asymmetries", in *Just* in 2023).

La Cour suprême du Canada : une institution bijuridique, biculturelle, mais au bilinguisme toujours fragile

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Keywords: Canada, Québec, constitution, bilinguisme, fédéralisme multinational

Abstract

La Cour suprême du Canada est le tribunal de dernière instance en droit canadien, et ce, y compris pour tous les litiges d'ordre constitutionnel. Sur le banc de neuf juges de la Cour, trois doivent impérativement provenir du Québec. La Constitution assure ainsi une grande protection constitutionnelle au bijuridisme et au biculturalisme canadien, le tiers de ses membres devant appartenir à la minorité de droit civil et de culture francophone. La Cour mentionne d'ailleurs elle-même clairement cet objectif dans son important *Renvoi relatif à la Loi sur la Cour suprême*, rendu en 2014.

On ne peut pas en dire autant pour le bilinguisme individuel des neuf juges de la Cour, la Constitution n'exigeant rien de précis à ce niveau. Et comme cela est fréquemment le cas au Canada (on peut penser à l'actuelle Gouverneure générale, à quelques ministres fédéraux, à la lieutenante-gouverneure du Nouveau-Brunswick, etc.), lorsque le bilinguisme d'un acteur ou d'une institution est défaillant, c'est son versant francophone qui fait défaut.

De plus, dans une société comme le Canada, où le bilinguisme institutionnel est combiné à la nécessité que des personnes issues des communautés autochtones et de la diversité ethnoculturelle soient nommées à des postes d'importance, la maitrise du français est parfois décrite comme un obstacle à une meilleure représentation des groupes minoritaires, les membres de ceux-ci ne maitrisant pas toujours cette langue.

Or, en raison d'un nouveau changement législatif au Parlement fédéral et de la nomination récente à la Cour suprême du Canada de juges issues de la francophonie canadienne hors Québec, nous assistons peut-être à une nouvelle ère pour le bilinguisme de la Cour suprême du Canada. Cette communication propose de s'intéresser à ces récents développements, afin de contextualiser et d'évaluer le bilinguisme de cette institution, et ce, dans la perspective du fédéralisme multinational. En plus de la dimension historique, du contexte politique et constitutionnel et des évolutions récentes, seront notamment pris en considération le processus de sélection et les conditions de nominations des juges de la Cour suprême.

Le fédéralisme multinational propose notamment la mise en place d'institutions où la singularité et le particularisme de tous les partenaires sont respectés et promus ; son objectif est d'installer des rapports de force plus égalitaire. Ainsi, une institution judiciaire (comme une cour suprême ou une cour constitutionnelle) qui s'inscrirait dans une démarche multinationale assurerait un équilibre entre les intérêts des différentes parties prenantes, sans permettre la domination du groupe majoritaire.

Dans cet esprit, notre question de recherche est la suivante : *est-ce que la Cour suprême du Canada évolue dans une direction plus en phase avec la nature multinationale de l'État canadien ?* En toute cohérence avec plusieurs développements récents en droit constitutionnel canadien, notre hypothèse

sera que *si une évolution multinationale prend effectivement forme, elle se produit de manière informelle, par la paraconstitutionnalité, et donc, qu'elle demeure fragile*. En effet, une telle évolution informelle, puisqu'elle refuse la voie officielle d'une modification constitutionnelle en bonne et due forme, comporte toujours le risque d'être ensuite déconstruite ou contournée.

Afin de renseigner nos conclusions de recherche, nous aurons principalement recours à la littérature existante sur le fédéralisme multinationale, à de la documentation juridique (décisions de la Cour suprême, dispositions constitutionnelles ou législatives, etc.) et à de la littérature scientifique ayant étudié le cas de la Cour suprême du Canada. Il existe déjà beaucoup d'écrits sur l'institution judiciaire qu'est la Cour suprême du Canada. Celle-ci s'est intéressée notamment à sa structure, son fonctionnement, sa place dans une société complexe comme le Canada, etc. Notre propos construira sur cette riche littérature, en intégrant des éléments plus récents et avec le prisme du fédéralisme multinational.

À la manière d'une étude de cas, nous brosserons le portrait d'une situation (la Cour suprême du Canada dans l'écosystème constitutionnel canadien), puis nous l'analyserons de manière critique, à l'aide d'un prisme théorique pertinent (le fédéralisme multinational). Ce faisant, nous serons à même d'offrir des réflexions sur l'opportunité de réformes plus formelles, qui auraient le potentiel de faire de la Cour suprême une institution mieux ancrée dans la nature multinationale de la société dans laquelle elle évolue.

Plan provisoire de présentation
1. La Cour suprême du Canada dans son contexte
1.1 Les fondements et la structure d'une institution
1.2 Les évolutions récentes eu égard au bijuridisme, au biculturalisme et au bilinguisme
2. La Cour suprême et le fédéralisme multinational
2.1 Une application parfois bien présente, mais demeurant imparfaite
2.2 Une application parfois bien protégée, mais d'autres fois plutôt fragile

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À propos des compétences linguistiques des juges constitutionnels : regards croisés sur la Cour suprême du Canada et la Cour constitutionnelle belge

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Keywords: Cour constitutionnelle de Belgique, Cour suprême du Canada, politiques linguistiques, bilinguisme, langue de la procédure

Abstract

La Cour constitutionnelle de Belgique et la Cour suprême du Canada représentent deux exemples de cours institutionnellement bilingues où les compétences linguistiques du personnel judiciaire, notamment les juges et leurs assistants, sont réglementées différemment.

La Cour belge reflète la bipolarité de son système fédéral, avec 6 juges francophones et 6 juges néerlandophones (et autant de référendaires), ainsi que 2 président·e·s, un·e par groupe linguistique (arts. 31 et 33 de la Loi spéciale de 1989). Le système de nomination prône une égalité linguistique absolue dont le but est d'assurer que les décisions de la Cour soient acceptées des deux côtés de la frontière linguistique (Popelier, 2020; Mastromarino, 2018). La Loi spéciale ne fait aucune référence à une éventuelle compétence bilingue des juges : seul l'art. 34§4 établit qu'au moins l'un des juges « doit justifier d'une connaissance suffisante de l'allemand », la troisième langue du pays. Comme il est souvent le cas dans les institutions belges, le mode de fonctionnement de la Cour relève de la concaténation de deux corps unilingues. Ainsi, la langue de la procédure est celle dans laquelle l'affaire a été introduite (art. 63) et les interventions orales à l'audience bénéficient d'un système d'interprétation simultanée (art. 64). Les arrêts sont rédigés et prononcés en français et en néerlandais (art. 65), peu importe la langue de la procédure, les deux versions étant systématiquement équivalentes.

Au Canada, la réforme de l'article 16(1) de la Loi sur les langues officielles a récemment consacré le bilinguisme passif des juges de la Cour suprême, qui doivent être capables de comprendre en séance les deux langues officielles du pays (français et anglais) sans la médiation d'un interprète. Cette réforme ne contraint toutefois pas le gouvernement canadien à nommer des juges bilingues puisque, malgré les différentes tentatives de réforme (Jiménez-Salcedo, 2020), la Loi sur la Cour suprême ne contient toujours pas de disposition concernant les compétences linguistiques des juges. En clair, cela signifie qu'il n'y a pas de prérequis linguistique pour ce qui est de la nomination. Cette circonstance ne contredit toutefois pas l'esprit de la réforme de l'article 16(1) de la Loi sur les langues officielles, puisque le quorum est établi à cinq juges (art. 25 de la Loi sur la Cour suprême), autrement dit la Cour peut très bien fonctionner avec un certain nombre de juges unilingues anglophones étant donné qu'il est possible de désigner, parmi les neuf juges qui la composent, un panel restreint pour les affaires qui doivent être entendues en français. Au vu de l'état actuel de la législation canadienne, seul le choix de l'anglais comme langue de la procédure garantit l'accès à la formation plénière de la Cour.

Notre communication vise à présenter les premiers éléments d'une recherche en cours sur le mode de fonctionnement des deux cours constitutionnelles et sur les prérequis linguistiques imposés aux juges.

À partir d'un cadre théorique fondé notamment sur l'ethnographie des politiques linguistiques (Hornberger et Johnson, 2007) et sur les politiques de traduction (Meylaerts, 2011), nous examinerons la documentation juridique et la littérature scientifique et doctrinale en la matière afin de poser les jalons d'une future enquête de terrain. Nos résultats préliminaires montrent que le bilinguisme institutionnel et personnel est sans doute souhaitable pour les deux cas de figure analysés, car il permet aux juges d'avoir un accès direct à la documentation juridique (législation, jurisprudence et doctrine) dans les deux langues. Ceci étant vrai, il s'avère tout de même nécessaire de définir ce que l'on entend au juste par « bilinguisme », par exemple en termes de procédure, lorsqu'il est question d'entendre les parties en audience ou lors des délibérations. Dans ce contexte, il serait nécessaire d'établir à quel point cette compétence « bilingue » (certes idéalisée dans le débat politique autour des droits linguistiques, notamment au Canada) peut être complétée grâce à l'intervention des auxiliaires judiciaires et administratifs, ainsi que des services de traduction et d'interprétation des cours.

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The use of observation reflective diaries when teaching transcultural communication to interpreting students

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Keywords: court interpreting, observation diaries, Transcultural Law Clinic

Abstract

This research is based on the authors' experience with the use of reflective journals as one of the primary didactic methods in the elective course *Multicultural Communication in Criminal Law Cases* at the Faculty of Arts, University of Maribor. The course was implemented as a result of the international project "*TransLaw. Exploring Legal Interpreting Service Paths and Transcultural Law Clinics for persons suspected or accused of crime"*. The elective course is chosen by the students each year (2019 -) and is highly popular. Over the course the students observe real-life interpreted trials and each activity is accompanied by individual and guided reflection, analysis and discussion. The empirical part of this research focuses on the importance of self-reflective and observational techniques and how they may be incorporated into the practice of interpreting and law students. To collect the data, we use observation diaries, which helped students gain a better understanding of the learning and knowledge they had acquired during the observational process (Jarvis, 2001). Observation diaries were structured and developed to use during: (a) the observation of interpreted trials and (b) translating workshops in which translating/interpreting students and law students worked together. The results of this study support key suggestions in the literature: that interpreters should be motivated to improve their expertise by improving their skills through self-reflective practices and via supports such as ongoing mentorship, training and professional development. The results also support our argument that translating and interpreting students can be successfully trained together with law students and that both groups can and should be motivated to improve their skills through self-reflective practices.

The main purpose of the research was to analyse observation diaries and to identify the ways to improve and develop the structure to ensure that students gain much needed competences in multicultural communication and practical experience. Working on real cases and law students allows the students of translation and interpreting to reflect on their role and the ethics and dynamics of such interpreter-mediated interactions, and to acquire a better understanding of law and legal terminology. There are learning opportunities for law students as well. They learn how to work with interpreters when providing services for a person suspected or accused of a crime: addressing the client directly rather than asking the interpreter to ask the client something, waiting for the interpretation to be completed before

responding, keeping utterances to a manageable length, providing the interpreter with the material they need to prepare, etc. They also learn what they can and cannot expect from an interpreter, how important cultural background, dialect and nuanced communication can be and learn to respect the difficulty of the interpreter's task.

The empirical part of this research focuses on the analysis of students' observation diaries which were filled in the piloting phase of a new Transcultural Law Clinic. Based on the results of this analysis, we suggest ways to incorporate self-reflective and observational techniques into an interpreting/translating and law student's practices in transcultural law clinics, thereby introducing an innovative way to offer students much needed practical experience. Students were given observation diaries in advance and completed them immediately after the activity. When observing court cases, the students took notes and completed some parts of the log during the activity. The students were only given these diaries once for each particular activity, which allowed them to gain a better understanding of the learning and knowledge they acquired during the process (cf. Jarvis 2001).

There were three types of structured observation diaries. Though Pinsloo, et al suggested that 'unstructured, private learning logs *can* also assist students to become more self-aware – and aware of others' (2011: 28), we decided to provide students with a structure for each individual activity: (1) observations of the real-life court process for both law students and translating/interpreting students, (2) active servicing (translating) for translating/interpreting students, and (3) active servicing (translating) for law students. Both groups of students worked together when translating legal documentation but were asked to complete different observation diaries with different sets of questions.

The diaries used during the observation of actual court processes focused on the entirety of interpreter-mediated events in a legal setting: (a) various aspects of the interpreting process and its output (interpreting modes and strategies and the necessary coordinating functions), (b) the interaction dynamics between the parties, (c) body language, gaze and non-verbal communication, (d) the seating and positioning arrangement in the court room. The diaries contained questions requiring descriptive answers as well as room for reactions and comments. The questions were constructed in a way that made students from both fields aware that everything that happens in the court is a linguistic or communicative act that will have a direct impact on someone´s life, reputation and integrity.

In the active service observation diaries, the main set of questions focused on the interaction between law students and translating and interpreting students, as well as on the challenges they faced in the process and the competences they developed or acquired during their mutual co-operation. There was a special focus on the issues of dignity and professional interpersonal communication.

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Sulla formazione di traduttori e interpreti (It<>Ar) in ambito giuridico: opportunità e sfide

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Abstract

Di anno in anno, in Italia, cresce la necessità di avere dei traduttori e degli interpreti nella combinazione linguistica (Italiano <> Arabo), specialmente in ambito giuridico, il quale viene di solito considerato come parte di questa sfera più ampia del cosiddetto *community translation/interpreting* e *public service translation/interpreting* (Hale, 2007; Taibi, 2017).

Questo fatto ha varie cause, tra cui possiamo elencare 1) l'aumento di immigrati di origine araba. 2) la presenza non solo di seconde generazioni, ma ormai di terze e quarte generazioni di cittadini italo-arabi, o se vogliamo, italiani di origine araba. 3) l'espansione e la crescita di rapporti di collaborazione in vari ambiti, tra cui spicca quello economico e commerciale tra l'Italia e il mondo arabo, stipulando ogni giorno dei nuovi *contratti*. 4) l'esigenza di soddisfare il fabbisogno, da una parte, di una ventina di ambasciate e consolati italiani in paesi arabi, e dall'altra, di una ventina di ambasciate e consolati arabi in Italia e precisamente a Roma e Milano (e che hanno una continua richiesta di interpreti e traduttori che sanno come tradurre e/o interpretare dei testi e/o discorsi ufficiali ed istituzionali, accordi e convenzioni in vari settori) con una necessaria formazione tipica di quello che possiamo chiamare il traduttore o l'interprete giuridico.

Alla luce di tutto ciò, l'accademia italiana è chiamata a riflettere e rispondere a questa urgente richiesta di formare dei giovani interpreti e traduttori in ambito giuridico e legale.

Purtroppo al giorno di oggi, e nonostante la famosa Direttiva Europea 20 ottobre 2010, n. 64 sul diritto all'interpretazione e alla traduzione degli atti giudiziari, si può constatare un grande divario tra i nostri atenei e il mondo del lavoro in primis in ambito pubblico ed istituzionale.

Partendo da tutto ciò, l'attuale intervento intende elaborare una riflessione che aspira, al quanto possibile, a trovare delle risposte su queste grandi questioni:

- Com'è la situazione attuale dei traduttori e interpreti giuridici di arabo nelle varie istituzioni pubbliche italiane?
- Com'è la situazione dei corsi triennali e magistrali nella combinazione interessata negli atenei italiani?
- Come sono strutturati (e come possono essere strutturati) i corsi di traduzione ed interpretariato e dove si colloca esattamente la traduzione ed interpretazione giuridico-legale?
- Come si può rispondere alle sfide attuali e creare delle opportunità per il futuro?

Queste sono alcune delle domande-chiavi da cui parte questo intervento che si basa, a livello metodologico, sulla letteratura accademica in ambito di traduzione ed interpretazione giuridica, e che secondo Pöllabauer, può essere divisa in tre grandi gruppi che sono: 1) pubblicazioni *compilatorie* o *aneddotiche*; *ricerca teorica*; e, infine, *ricerca empirica* (Pöllabauer, 2006 cit. in Gallai, 2015) e in particolare sul lavoro di ricerca di vari studiosi come ad esempio nei due volumi curati da Spinzi e Rudvin: *Mediazione linguistica e interpretariato: regolamentazione, problematiche presenti e prospettive future in ambito giuridico* del 2013 e *L'interprete giuridico. Profilo professionale e metodologie di lavoro* del 2015, e anche il lavoro di Jacometti e Pozzo in *Traduttologia e linguaggio giuridico* del 2018. Ma non solo. È molto utile riflettere su alcune delle tesi di laurea e di dottorato - non tutte ancora pubblicate - che hanno messo l'accento su alcuni degli aspetti che hanno a che fare, in un certo senso, con la traduzione ed interpretazione giuridica tra l'Arabo e l'Italiano. Mi riferisco ad esempio a lavori come *Il diritto dei contratti nei paesi arabi* di Mondello del 2012, *Il linguaggio giuridico. Analisi linguistica e difficoltà traduttive. Studio applicato alle sentenze della Corte dei conti (2009-2013)* di Beniamen del 2015 e Le *variazioni terminologiche in un corpus giuridico parallelo italiano-arabo: Studio linguistico-computazionale* di Fawi del 2017. E ad alcune tesi di laurea magistrali come *L'arabo giuridico nei Codici delle obbligazioni e dei contratti: analisi e confronto tra paesi* di Laura Cassata, 2015 e *L'interpretazione nella sfera giuridica: focus sulla professione dell'interprete. Cenni alla combinazione linguistica arabo-italiano* di Valeria Di Bonaventura, 2022.

Non meno importante, a mio modesto avviso, anche avvalersi delle esperienze di colleghi traduttori e interpreti sul campo, che hanno avuto modo di praticare questo mestiere in prima persona. Anche se forse ancora oggi questa parte rimane così sottovalutata da parte del mondo accademico.

Interessante osservare la mappatura della presenza di interpreti e traduttori di arabo in enti ed istituzioni italiane pubbliche, come ad esempio i tribunali, centri di accoglienza, commissioni di asilo, centri penitenziari, polizia di stato, carabinieri, vari ministeri come il ministero dell'Interno e il ministero della Difesa.

Nella speranza di poter dare un vero contributo a tal riguardo, è utile iniziare a riflettere anche sul materiale che può servire per la stesura e la preparazione dei corsi di formazione in ambito di interpretazione e traduzione giuridica. In primis, secondo me, si può partire da una serie di testi fondativi come la costituzione italiana e magari anche qualche costituzione araba sia dalla parte del Maghreb (ad esempio del Marocco, Algeria e la Tunisia) che del Mashreq (come ad esempio Egitto, Siria e Palestina). Inoltre sarà utile analizzare la terminologia e le strategie traduttive adottate in testi di primo piano come la carta delle Nazioni Unite, la Dichiarazione Universale dei Diritti Umani, i codici civili, penali e di famiglia. Poi si può soffermarsi sulle varie forme dei contratti e statuti. Fino ad arrivare allo studio e all'analisi di alcuni modelli/moduli tipici di documentazione usuale dell'anagrafe e dei consolati come atto di nascita, di morte, di matrimonio, patente di guida...ecc. A tal proposito, merita di essere menzionato ed apprezzato il lavoro di traduzione svolto da parte dei colleghi di IPOCAN e in particolare delle due colleghe Alma Salem e Raoudha Mediouni nella stesura della versione araba del *Glossario EMN Asilo e Migrazione* del 2013.

Mentre per sottolineare l'importanza della formazione degli interpreti giuridici, o se vogliamo in altre parole, per sottolineare la gravità della mancanza di una formazione solida in ambito giuridico, basti accennare ad alcuni video in cui vari colleghi si trovano impreparati a gestire una terminologia così tecnica come quella giuridica-giudiziaria in due casi mediatici come il caso del ricercatore italiano ucciso Giulio Regeni e lo studente dell'Università di Bologna Patrick Zaki.

Personalmente mi è stato molto utile aver avuto un'ottima occasione di collaborare con il Consiglio di Stato per quasi due anni, in ambito dell'accordo di gemellaggio con il Tribunale Amministrativo Tunisino, nonché aver interpretato in simultanea la lectio magistralis del presidente tunisino Kais Saied dal titolo "Il diritto e l'Islam" all'Università di Roma La Sapienza nel giugno 2021.

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Court-related translation to Spanish in the US: A corpus-driven study on frequently translated textual features

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Keywords: court-related translation, corpus, language access, legal translation

Abstract

Language access in the context of courts in the US has focused primarily on the provision of interpreting services, with limited attention paid to court-related translation (Killman 2021). Nevertheless, increases in speakers of languages other than English have given rise to greater attention being paid to translation in certain US jurisdictions, thereby resulting an uptick in court-provided translations of information resources and official forms through which it is possible for parties with limited English proficiency to interact and file with the courts. This study seeks to shed light on this lesser explored area of legal translation studies, placing its focus on the text types for which courts provide translated versions, as well as the specific areas of law to which they pertain, aspects of terminology and phraseology that potentially characterize them, and types of translation solutions provided.

Building a tailor-made corpus, this study analyzes a sample of court-provided texts and their translations to Spanish from a selection of jurisdictions in the US with historical and emerging language access needs. A corpus of Spanish translations is most representative of the bulk of court-related translations available across the country, given its status as the second most spoken language in the US. Texts will be collected from areas of law in which Spanish speakers' involvement with the courts may be particularly frequent in both criminal and civil contexts, such as cases involving felonies, child custody and support, domestic violence, eviction, and small claims. A parallel corpus will be compiled with court-provided texts from these areas and their official Spanish translations, which will be analyzed using corpus analysis software. The study will focus on different textual features and corresponding Spanish translations commonly encountered by this population. Building on previous scholarship focusing on a specific text type in the US court translation context (i.e., waivers of counsel, see Mellinger 2017), the present study addresses additional texts types and areas of legal practice in which Spanish speakers may often be a party. Descriptive statistics will illustrate the range of potential variation across text types and contexts, allowing for a more complete understanding of outbound translations provided by courts in the US for non-English-speaking or limited-English proficient parties.

Findings may speak to the interface between quality and translation policies and procedures in different jurisdictions, reveal varying levels of terminological consensus in the language to which English is translated most often in the courts, and may be leveraged to recommend specific solutions depending on the case, especially if terminological solutions found in the corpus give rise to unfortunate changes in meaning (Riemland 2022) or less-than-ideal conveyance. The ways in which outbound court texts are translated have a considerable impact on the extent to which parties relying on these translations may be able to interact with the legal system and complete a successful filing. The study seeks to reveal common ways of translating or frequent translation solution types or approaches in the case of specific

source text phenomena and legal domain criteria, which are of interest to professional legal translators and trainers alike. Moreover, the results could inform terminological and phraseological best practices or resources that could be leveraged by court interpreters who work in these contexts on a day-to-day basis.

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Professional profiles of sworn (certified) translators in Poland and Italy: A comparative analysis

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Keywords: profession of sworn translator in Poland, court-registered translators and interpreters in Italy, legal status, profession of public trust

Abstract

This paper contrasts the Polish Act of 25 November 2004 on the Profession of Sworn Translator (as amended), governing the profession of a sworn (certified) translator (and interpreter owing to the lack of division into state-certified translators and interpreters), with the Italian legislative context. In Italy, the profession is non-regulated, which means that there is no single, directly comparable legal act. Consequently, there is a lack of unity and harmonization at the state level in contrast to the Polish legal system, which has successfully solidified the status of the profession of a sworn translator as highly specialized and esteemed. Given that the respective act has been in force for about two decades, representatives of the profession as well as translation scholars are voicing the need for the introduction of certain changes to the legal status of sworn translators in Poland. Taking advantage of comparative legal methodology, the paper attempts to pinpoint the similarities and the differences between the two EU member states and to draw *de lege ferenda* conclusions regarding the desirable regulation of the profession in the context of applicable EU law, most importantly Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings. Italian translators and interpreters, who render their services to, among others, courts, can be attributed many of the features characteristic of Polish sworn translators, which is why comparing both legal systems might provide valuable insights into the desirable regulation of the profession.

In Poland, the profession of a sworn translator is a profession of public trust, despite the absence of explicit acknowledgment in the applicable statute governing this regulated profession (see above) and other associated legal acts (primarily regulations). This is evidenced by the following features of this profession: the social importance of sworn translators owing to their involvement in the protection of a number of personal interests such as health and freedom, the requirement for high qualifications, independence and impartiality, personal professional accountability, adherence to professional ethics, and participation in professional organizations. The primary objective of sworn translators, who frequently mediate between state law enforcement and judicial authorities on one hand and citizens and foreign nationals on the other, is closely related to the area of law rather than solely to the domain of language. Overall, sworn translators, as representatives of a para-legal profession closely intertwined with the Polish legal and justice systems, play a crucial role in ensuring the security of legal transactions by providing recognized certified translations and interpreting services, for instance, in the course of court proceedings or in notarial offices.

In Italy, owing to the transposition of Directive 2010/64/EU through legislative decree no. 32 of 4 March 2014 (and legislative decree no. 129 of 23 June 2016), there is an electronic register of translators and

interpreters administered by the Ministry of Justice. However, unlike the Polish register, which is accessible to everyone, including potential clients who might require sworn translations or interpreting services, the Italian register treats translators and interpreters as one of many types of experts and can be effectively consulted primarily by the judicial authorities, lawyers, and the judicial police. The said register is co-created by the Italian courts, and not the Ministry of Justice itself (as is the case in Poland), which adds to the lack of unity at the state level. What is also problematic from the perspective of individuals requiring high-quality (legal) translation or interpreting services in Italy is that translators and interpreters may request to be listed as court experts in directories kept by the Italian courts without the need to pass any demanding, uniform state exam, as is the case in Poland. Italian regulations do not state the required professional qualifications for sworn (certified) translators or interpreters. Translators and interpreters may obtain certification after passing an exam conducted according to the UNI 11591:2022 national standard on non-regulated professional activities [1], which defines the requirements for the professional activity of individuals working in the field of (legal) interpretation and translation. However, this is not obligatory for translators and interpreters, thus further exacerbating the lack of comprehensive harmonization at state level.

Considering the fact that Italy has transposed Directive 2010/64/EU into its legal system but so far still has not adopted a comprehensive legal act of generally binding nature regulating the para-legal profession in question, it is argued that the existing Polish regulations, most notably the Act of 25 November 2004 on the Profession of Sworn Translator, despite certain deficiencies (such as the lack of the distinction between the profession of sworn interpreter and sworn translator), could potentially serve as a reference point for Italy (and other EU member states). What needs to be adequately guaranteed at state level is the professionalism of (certified) legal translators and interpreters, which is necessary to better account for the need of citizens and foreign nationals to fully exercise their rights in various legal contexts, including but not limited to criminal proceedings.

Notes

[1] UNI 11591:2022 Attività professionali non regolamentate – Figure professionali operanti nel campo della traduzione e dell'interpretazione – Requisiti di conoscenza, abilità, autonomia e responsabilità [Non-regulated professional activities – Qualified professionals operating in the field of translation and interpreting – Knowledge, skill, autonomy and responsibility requirements].

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Multilingualism in Prisons and Reintegration into Society (MiPRiS): Belgium as a Case

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Abstract

Like many European states, Belgium is confronted with an increasingly multilingual population in its detention facilities. Among detainees, there are significant differences in proficiency in the official languages of Belgium (Dutch, French, and German). By combining an ethnographic study in situ with the study of language legislation, policy, and practice in Belgian prisons, we want to map to what extent language barriers impair the detention process and successful reintegration of prisoners into society. In our contribution, we wish to delve into specific case law in the Belgian prison setting regarding a language-based complaint that appeared before a prison's complaints committee and share the first results of the MiPRiS-project, acronym for *Multilingualism in Prisons and Reintegration into Society,* with Belgium as a case.

Previous research on foreign nationals in prisons is scarce and even more so notably in Belgian prisons. Particularly in Belgium, Croux et. al. (2019) conducted their research on the participation of foreign national prisoners in prison. They concluded that the participation rate for foreign national prisoners is generally lower compared to that of national prisoners, and, citing various other researchers, mentioned language barriers as one of the main obstacles for their participation (Croux et. al.). An important difference to be made here is that the research of Croux et. al. focused on foreign nationals in prison, whereas our research centers *foreign language speaking detainees*.

We build on limited preceding findings when arguing that detainees live in a vulnerable situation to which foreign language speaking detainees are subjected even more strongly due to language barriers. Our hypothesis is, therefore, that throughout their detention process, i.e. upon entering the prison, when filing a complaint directed at the complaints committee, during the preparation of their reintegration

process, foreign language speaking detainees encounter significant struggles that can be mediated by improving the linguistic discourse in prison.

By combining an ethnographic study in situ, with a legal analysis of the European human rights law framework, the project will not only show how language practices impact reintegration trajectories, but also identify priorities for policy change. Hence, the project will produce a normative framework and policy recommendations that are relevant to all 46 Council of Europe member states.

For the ethnographic approach, we want to examine how detainees, prison personnel and members of various prison committees who come into contact with foreign language speaking detainees experience the language legislation and policies on the different steps in reintegration trajectories in Belgium. This ethnographic approach includes quantitative research through surveys for detainees on language skills and qualitative research through observations in situ and the analysis of written documents, such as leaflets and posters (Salaets et al., 2022), and semi-structured interviews.

For the study of language legislation, we will, on the one hand, map the policies and rules on the placement of detainees that are used (Bernaerts, 2020), and, on the other hand, we will report briefly through classic case law analysis which questions arise with respect to the language used in the proceedings before the complaints committees in Belgian prisons (Daems & Tulkens, 2021).

This contribution will discuss some preliminary findings on the case law of the complaints and appeal committees. These impartial and independent administrative courts were established October 1, 2020 in Belgium. Detainees can file a formal complaint, for example, against a decision that was made by the prison director. In the case law of these committees, there is an apparent division in the language-related cases. First, there are complaints that are not submitted in the prescribed language. These complaints are in almost all cases found to be inadmissible. Secondly, there are complaints regarding language usage during the daily operations of the prison. The complaint that we will examine in detail pertains to the second type of language-related complaints and concerns a detainee claiming that he did not receive the psychiatric assistance that he requires. This complaint was submitted in December 2023 to the complaints committee of the Belgian prison of Haren, which is situated in the bilingual Brussels-Capital Region. According to the detainee's complaint, the prison facilities offer the assistance of both a French speaking psychologist and psychiatrist, but only a Dutch speaking psychologist. The detainee in question is in need of psychiatric assistance in Dutch. In our contribution, we compare this case to the similar case of Rooman v. Belgium, in which the ECtHR found a violation of Articles 3 and 5(1) ECHR.

Due to the current pressing situation in Belgian prisons, our empirical data collection is yet to commence. Our study is faced with the challenges risen due to the current circumstances in Belgian prisons characterized by regulated strikes, overpopulation and shortage of prison staff. For this contribution, however, we will strive to be able to also elucidate on the preliminary findings from our data collection.

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Power of Attorney: el «poder» de la traducción automática en la posedición de un texto jurídico

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Keywords: traducción automática, posedición, traducción humana, calidad, productividad

Abstract

En un mundo cada vez más conectado y globalizado, el sustancial aumento en la demanda de todo tipo de servicios lingüísticos ha hecho imperativo el desarrollo de nuevas formas de trabajo que puedan automatizar, al menos en parte, el proceso de traducción de un idioma a otro. En este escenario, las tecnologías de traducción asistida por ordenador y los sistemas de traducción automática se han convertido en herramientas cada vez más relevantes para el fomento de la productividad. Asimismo, los avances en el ámbito del procesamiento del lenguaje natural y la transición de la traducción automática hacia el paradigma neuronal han contribuido a que la posedición adquiera una creciente importancia en el mercado de la traducción, hasta consolidarse como un servicio lingüístico por derecho propio (ISO 18587: 2017). Además de los potenciales beneficios en términos de reducción de costes y tiempos de realización de una tarea de traducción que se derivan de la posedición, también es crucial considerar las posibles limitaciones de esta modalidad en cuanto a su adaptabilidad a contextos específicos y el impacto que podría tener en aspectos que pueden considerarse significativos según el tipo de texto a traducir, como por ejemplo la creatividad (Guerberof-Arenas y Toral, 2021). Por ende, aunque cada vez más se percibe la posedición como una oportunidad en lugar de una amenaza (Pérez Macías, 2020), todavía parece persistir la falta de acuerdo sobre la integración de la traducción automática en el flujo de trabajo profesional en diferentes áreas del conocimiento.

En el sector jurídico, teniendo en cuenta las complejidades intrínsecas que caracterizan este ámbito y su lenguaje de especialidad, no es de extrañar que exista cierto escepticismo sobre hasta qué punto la traducción automática es compatible con la traducción jurídica, ya que la calidad de sus resultados puede variar según el género, el par de lenguas y el sistema jurídico (Sosoni et al., 2022). Sin embargo, empieza a crecer el número de estudios que abordan la aplicabilidad de la traducción automática a diferentes tipos de textos jurídicos y en varias combinaciones lingüísticas, impulsados por las mejoras en el rendimiento de los sistemas neuronales y por la creciente adopción de la posedición en este campo.

En el presente trabajo de investigación se pretende examinar el posible impacto que la modalidad de traducción empleada puede ejercer sobre la productividad y la calidad del texto meta. Gracias a la colaboración de un grupo de traductores con formación universitaria y experiencia profesional en traducción, se realiza un experimento encaminado a evaluar, entre otros aspectos, la calidad de la traducción humana de un *power of attorney* del inglés al español llevada a cabo en el editor de textos en línea Google Docs en comparación con la calidad de la posedición completa del mismo texto realizada en el programa de traducción asistida SDL Trados Studio. Asimismo, se busca determinar si

las decisiones de los poseditores se ven afectadas por el texto en bruto en español, analizando la frecuencia con la que aparecen soluciones no aceptables ofrecidas por la traducción automática en las posediciones y comparándolas con las traducciones humanas.

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La investigación en interpretación judicial en la fase previa al jucio oral: estado de la cuestión y aproximación a enfoques metodológicos

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Keywords: interpretación judicial, fase de instrucción, calidad, enfoques metodológicos

Abstract

El derecho a la asistencia de un intérprete en los casos de procedimientos penales en los que intervienen personas alófonas ha quedado más que subrayado en las principales normas jurídicas a nivel internacional (como la Directiva 2010/64/UE) y nacional de los Estados democráticos y de derecho. En los últimos años, las voces de los intérpretes y las asociaciones profesionales, de los académicos en la materia, así como de muchos juristas, se han alzado para reclamar la garantía de calidad que debe llevar implícito este derecho más allá de su mero cumplimiento como trámite en el proceso judicial. De esta forma, con el objetivo de desarrollar los controles de calidad necesarios y mejorar los sistemas de provisión, la calidad del servicio de interpretación judicial y las expectativas de los usuarios y proveedores de dicho servicio han ganado un papel relevante en el campo de los Estudios de Interpretación.

De forma generalizada, los focos de la investigación en Interpretación Judicial se centran en: el estudio del producto (intervenciones de interpretaciones transcritas), la percepción de los usuarios y beneficiarios del servicio de interpretación, y la percepción del proveedor del servicio de interpretación, es decir, de los propios intérpretes. Entre la variedad de metodologías, los enfoques empíricos y etnográficos han llamado cada vez más la atención de muchos académicos que buscan comprender y describir desde dentro a los actores y a las instituciones implicados en estos contextos interpretativos, es decir, involucrándose en el día a día del objeto de estudio, y recopilando información basada en el comportamiento en contexto, así como las opiniones de los participantes a lo largo de un período de tiempo. No obstante, estos estudios están ligados a diversos debates, como la validez, la integridad, la objetividad o la autenticidad de los datos recopilados. Aun así, la variedad de métodos e instrumentos que se pueden usar de forma individual o en conjunto (observación participante, entrevistas, grupos de discusión, notas de campo, estudios de caso, etc.), incluso junto a otros de corte cuantitativo y cualitativo o propios de la Lingüística de Corpus (recopilación y análisis de corpus), contribuyen a que estos enfoques ofrezcan análisis exhaustivos y desde dentro sobre el fenómeno de la interpretación judicial desde diferentes perspectivas.

De este modo, encontramos desde estudios que se centran en una pequeña muestra o en un conjunto de experiencias anecdóticas, principalmente obtenidas a partir de entrevistas o cuestionarios a diferentes colectivos de agentes judiciales (como, por ejemplo, el estudio de Sancho Viamonte, 2018), hasta otros que se vertebran sobre metodologías más robustas, como la compilación, transcripción y análisis de corpus a mayor escala (como los estudios resultantes del Proyecto TIPp) o el empleo de varios instrumentos metodológicos (Onos, 2014). Aunque el espectro de enfoques desde los que se ha abordado el estudio de la interpretación judicial en las últimas décadas se ha ampliado, la naturaleza

del entorno judicial, en tanto que institucional, protocolaria y muy jerarquizada, condiciona un acceso restringido a la obtención de datos y tiende a delimitar bastante la posibilidad de investigación, que, principalmente, se centra en la fase del juicio oral del proceso penal.

En el caso de España, el proceso penal establece que, antes de la apertura de la fase del juicio oral, es necesaria una fase previa de investigación o instrucción, destinada a esclarecer los hechos que puedan ser constitutivos de delito y, por tanto, necesiten enjuiciamiento, y que, a diferencia del juicio oral, no tiene carácter público ni se graba. Como exponen los propios juristas, la importancia de las declaraciones sumariales para el curso del procedimiento es capital y, lo es, por tanto, que el derecho a interpretación no se menoscabe en ella, pues la investigación de los hechos y la posterior traslación de las declaraciones al juicio dependen de que dicha interpretación sea de la calidad suficiente. A pesar de que existen algunos estudios sobre esta fase de diligencias previas a la celebración del juicio, encuadrados en diferentes ordenamientos jurídicos y diferentes metodologías mencionadas, como el caso del Proyecto CO-Minor-IN/QUEST en diferentes países de la Unión Europea (Salaets y Balog, 2015), del proyecto ImPLI en Italia (Amato y Mack, 2015) y la obra Casamayor Maspóns (2021), quien resalta la regularidad de la prestación del servicio de interpretación en fase prejudicial con respecto a la fase del juicio oral, la mayoría de los estudios del campo se centra en la fase del juicio oral debido a la dificultad para acceder a aquella. No obstante, la fase de instrucción se antoja clave para el curso del procedimiento y, por tanto, su análisis y estudio en relación con la interpretación también resulta muy necesario.

En esta propuesta, además de presentar un estado de la cuestión de la investigación en interpretación en fase previa al juicio oral, se analizarán las diferentes posibilidades de enfoques e instrumentos metodológicos para abordar su estudio según el camino marcado por los académicos e investigadores de la materia, así como según los estudios existentes sobre el juicio oral y otras fases relacionadas con el ámbito judicial. Por un lado, las temáticas que destacan son: la observación y valoración personal de las intervenciones de interpretación, expectativas y opiniones de los grupos involucrados (intérpretes, personas inmersas en el procedimiento, abogados, agentes judiciales, etc.), la recopilación de muestras reales para su posterior análisis y estudio, la inclusión de las nuevas tecnologías como parte del desempeño del intérprete en esta fase, y herramientas de análisis y control de la calidad. Por otro lado, los instrumentos y enfoques metodológicos incluyen, de forma aislada o conjunta: cuestionarios, entrevistas, estudios de casos, observación participante, recopilación y análisis de corpus, así como la creación de estas herramientas de análisis de la calidad. De igual modo, se indicará la factibilidad y los obstáculos de dichas temáticas y enfoques, con el fin de establecer futuras líneas de investigación que puedan complementar lo ya analizado y esbozar en un futuro un mapa más completo de la realidad de la interpretación judicial en fase de instrucción y sus necesidades de mejora.

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Gli operatori modali nelle norme definitorie: uno studio comparativo russo-inglese

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Keywords: traduzione legale; russo-inglese; norme definitorie; operatori modali; proprietà intellettuale

Abstract

La definizione è un'operazione logica, una costruzione testuale, che permette di illustrare il contenuto di un concetto (Vlasenko, 1997). Nel discorso giuridico riveste un ruolo fondamentale, in quanto è sia uno strumento per evitare ambiguità interpretative sia una premessa per sostenere l'applicazione di una norma a una fattispecie (Macagno, 2010). Lo scopo delle definizioni normative, quindi, è stabilire il significato di un'espressione che, tratta dal linguaggio ordinario, viene ri-definita nel linguaggio giuridico (Mečkovskaja, 2000; Tomasi, 2016).

Allo stesso tempo, però, un uso eccessivo delle definizioni può privare il testo giuridico di flessibilità ed elasticità, proprietà, invece, necessarie affinché esso possa adattarsi alla multiformità del reale (Tomasi, 2016; Vlasenko, 1997).

Il presente contributo, quindi, si propone di analizzare come vengono formulate le norme definitorie (in russo *definitivnye normy* o *normy-opredelenija*) nella Parte IV del Codice civile della Federazione Russa (*Čast' četvertaja Graždanskogo Kodeksa Rossijskoj Federacii*), dedicata ai diritti della proprietà intellettuale ed entrata in vigore il 1° gennaio del 2008. In particolare, si intende analizzare gli operatori modali utilizzati nelle norme definitorie e indagare la loro resa nella traduzione inglese della legislazione.

Le norme definitorie, che possono essere considerate un particolare tipo di norme specializzate (*specializirovannye normy*), presentano una natura meta-normativa: si tratta, cioè, di norme fondamentali per applicare correttamente altre disposizioni atte a regolare in maniera diretta i rapporti tra le parti. Nelle leggi sul diritto d'autore le norme definitorie sono, solitamente, numerose; ciò si spiega con il fatto che questa sfera del diritto, essendosi delineata in tempi relativamente recenti, ha conosciuto un rapido processo di concretizzazione giuridica dei concetti della vita quotidiana, il che ha portato alla trasformazione di parole della lingua comune in termini del diritto, i quali, di conseguenza, necessitano di definizioni tecniche apposite. Ad esempio, nella legge della Federazione Russa "Sul diritto d'autore e i diritti connessi" del 1993 (*Zakon ob avtorskom prave i smežnych pravach*), ora non più in vigore, le norme definitorie costituivano più del 34% delle disposizioni totali (Mečkovskaja, 2000).

Mečkovskaja (2000) nota che le norme definitorie sono contraddistinte dalla modalità indicativa (*indikativnaja modal'nost'*): non impongono un'azione, ma stabiliscono come deve essere inteso un certo frammento della realtà. La modalità indicativa viene ulteriormente distinta in indicativa assertoria (*indikativnaja assertoričeskaja modal'nost'*) e indicativa deliberativa (*indikativnaja deliberativnaja modal'nost'*). In russo, la prima è spesso caratterizza dalla copula zero: *definiendum* e *definiens* sono

uniti dal solo *tire* "–", segno di punteggiatura tipico della lingua russa, eventualmente con l'aggiunta del pronome dimostrativo *eto* (*questo*) a introduzione del *definiens*; il secondo tipo di modalità indicativa, invece, si esprime attraverso specifici operatori modali, tra cui: *(ne) otnositsja k* (*(non) si riferisce a*), *označaet* (*significa*), *sčitajutsja* (*sono considerati*), *obščepriznano* (*è generalmente riconosciuto*), *dolžny rassmatrivat'sja* (*devono essere considerati*), *javljaetsja* (*è*), *priznaetsja* (*è riconosciuto, è considerato*).

La legislazione in esame presenta 8 capitoli e 329 articoli che disciplinano le varie branche della proprietà intellettuale: diritto d'autore e diritti connessi, brevetti, nuove varietà vegetali e razze animali, topografie di microcircuiti integrati, know-how, marchi, indicazioni geografiche e denominazioni d'origine. Ai fini dell'analisi, utilizzando il software Sketch Engine, è stato creato un corpus parallelo russo-inglese contente il testo originale russo della legislazione e la relativa traduzione inglese (i due testi sono stati in precedenza allineati manualmente con l'aiuto del software Align Assist). Il corpus parallelo così ottenuto è composto complessivamente da 3.646 frasi allineate e presenta 80.175 tokens per la parte russa e 100.878 per quella inglese.

Si indagherà, innanzitutto, l'uso e la frequenza all'interno del testo in esame degli operatori modali indicati da Mečkovskaja (2000); in questa prima fase, di tutte le occorrenze individuate nel corpus, tramite un'analisi manuale verranno presi in considerazione solo gli operatori modali effettivamente usati all'interno di norme definitorie, tralasciando quelli che, invece, compaiono in disposizioni di altro tipo, e quindi non veicolano una definizione. Successivamente, si indagherà se siano presenti anche altri operatori oltre a quelli menzionati. Per questo scopo ci si baserà anche sui commentari alla legge, laddove indichino la presenza di una definizione nella legislazione. Da ultimo, tramite la funzione "parallel concordance" di Sketch Engine, per tutti gli operatori individuati si analizzeranno le corrispondenti traduzioni inglesi. Si valuterà se la traduzione inglese abbia optato per rese letterali o, viceversa, per equivalenti funzionali, facendo riferimento, per questo scopo, anche a dizionari bilingue russo-inglese; si considererà, altresì, l'uniformità o, viceversa, la varietà delle rese traduttive dei diversi tipi di operatori modali, con il fine ultimo di valutare la chiarezza delle definizioni.

Il presente lavoro, senza alcuna pretesa di esaustività, date le dimensioni ridotte del corpus utilizzato, permette di approfondire il tema della traduzione giuridica russo-inglese, nello specifico relativamente alle norme definitorie e agli operatori modali in esse usati. Studi di carattere comparativo, come quello proposto, possono rivelarsi utili nella didattica della traduzione legale, nonché nell'elaborazione di strumenti lessicografici adeguati a supporto del traduttore di testi specialistici.

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Towards an English drafting of Algerian laws using AI machine translation: A comparative study of the Algerian family law using Google Translate and ChatGPT

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Keywords: legal drafting, human evaluation, Algerian legal framework, AI-driven translation tools

Abstract

The necessity for an English rendition of Algerian laws is paramount in our globalized world. The absence of readily available English translations within the Algerian legal framework underscores the urgency to address this deficiency [1]. As international interactions become more frequent and diverse, English has solidified its position as the lingua franca of commerce, diplomacy, and law. Failure to provide English translations of Algerian laws not only hampers accessibility for international stakeholders but also undermines the country's ability to fully engage in global legal discourse.

This study seeks to investigate the feasibility of utilizing AI-generated translations as the foundation for drafting Algerian laws in English, subject to subsequent human evaluation and post-editing. By exploring the potential of artificial intelligence in generating English versions of Algerian laws, we aim to lay the groundwork for a more inclusive and globally accessible legal framework. However, it is crucial to emphasize that while AI offers efficiency and scalability, concerns arise regarding accuracy and legal precision. Rigorous human evaluation is crucial to ensure fidelity in legal translations. Ethical guidelines must accompany AI integration to uphold professional standards. Despite challenges, AI presents opportunities for innovation and strategic resource allocation in legal practice.

Previous research has explored the potential of AI-driven translation tools in diverse contexts (Alkatheery, 2023) (Moneus & Sahari, 2024), yet there exists a dearth of literature specifically addressing their suitability for legal document drafting, especially concerning Algerian laws. This study aims to bridge this gap by evaluating the feasibility of employing AI-generated translations as initial English drafts for Algerian laws.

While AI-driven translation technologies have been widely investigated in general translation tasks, their application to the nuanced and specialized domain of legal drafting remains relatively unexplored. Legal documents, with their intricate terminology and nuanced meaning, pose unique challenges that necessitate careful consideration when adopting AI-driven solutions. Moreover, the specific legal context of Algerian laws introduces additional complexities that warrant dedicated inquiry.

By focusing on the specific context of Algerian legal document drafting, this study aims to contribute to a deeper understanding of the practical implications and challenges associated with integrating AI into legal translation processes. By evaluating the viability of AI-generated translations as preliminary English drafts for Algerian laws, we seek to provide valuable insights into the potential benefits and limitations of leveraging AI in the legal domain.

Through empirical analysis and qualitative assessment, this study endeavours to shed light on the efficacy, accuracy, and suitability of AI-generated translations in the context of Algerian legal document drafting. By addressing this lacuna in the literature, we aim to inform both scholarly discourse and practical decision-making regarding the adoption of AI-driven translation tools in the legal profession.

This study poses the following research questions:

1. How effectively can AI-driven translation tools translate Algerian legal texts into English?
2. What are the challenges and opportunities associated with relying on machine-driven outputs for legal drafting?
3. How can human evaluation and post-editing enhance the accuracy and reliability of AI-generated translations in the legal domain?

A comparative methodology is employed in this study, utilizing excerpts from Algerian legal texts as primary material. AI translation tools are leveraged to generate English drafts of these excerpts, which are subsequently subjected to human evaluation and post-editing.

The methodology involves the following steps:

- Selection of Algerian Legal Texts: A representative sample of Algerian legal texts is selected, encompassing various legal domains and document types. These texts serve as the primary material for the comparative analysis.
- AI Translation: AI translation tools are employed to generate English drafts of the selected Algerian legal texts. The AI-driven translations aim to provide initial English renditions of the original texts, capturing their semantic meaning and legal content.
- Human Evaluation and Post-Editing: The AI-generated English drafts undergo rigorous human evaluation and post-editing by qualified legal translators and language experts. This process involves reviewing the translations for accuracy, coherence, and adherence to legal conventions. Any discrepancies or inaccuracies are identified and corrected through manual intervention, ensuring the fidelity and reliability of the translated texts.
- Comparison with French Versions: In addition to the English drafts, the French output of the AI translation tools is compared with existing French versions of the original Algerian legal texts. This comparative analysis aims to assess linguistic and cultural nuances, as well as the degree of alignment between the AI-generated translations and established French legal terminology.
- Analysis and Interpretation: The comparative analysis of the AI-generated English drafts, human-edited versions, and existing French translations is conducted to identify patterns, challenges, and opportunities in the translation process. The findings are analysed to elucidate the effectiveness of AI-driven translation tools in rendering Algerian legal texts into English, as well as the role of human intervention in enhancing translation quality and accuracy.

Through this comparative methodology, this study aims to provide valuable insights into the feasibility and efficacy of utilizing AI-generated translations for legal document drafting in the Algerian context, while also highlighting the importance of human expertise in ensuring the accuracy and reliability of the translated texts.

Preliminary findings from this study highlight both the promise and limitations of AI-driven translation tools in legal drafting. While these tools offer efficiency in cross-cultural legal communication, challenges remain in accurately capturing legal intricacies and cultural subtleties.

AI-driven translation tools demonstrate efficiency in generating initial English drafts of Algerian legal texts, expediting cross-border legal communication. However, they struggle with nuanced legal terminology and cultural references.

Human oversight and post-editing are crucial in ensuring accuracy and reliability. Legal experts play a vital role in refining AI-generated drafts, mitigating risks of mistranslation and aligning with legal conventions.

In conclusion, while AI-driven tools hold promise for legal translation, human expertise remains essential for accurate and reliable translations in the legal domain.

Notes

[1] As an example the on-official translation made by the British Embassy in Algiers of some parts of the Algerian Family Code in 2018 that can be found here: https://www.gov.uk/government/publications/algerian-family-code

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Born on December 5th, 1981, in Constantine, I embarked on a journey fueled by a passion for language and communication. Graduating with a bachelor's degree in translation in 2004 marked the beginning of my academic pursuits. Eager to delve deeper into my chosen field, I pursued a magister degree, which I attained in 2009, honing my expertise and expanding my horizons. In 2021, I embarked on a new chapter of academic exploration by enrolling in the University of Malaga for a Ph.D. program. Focused on the intricate realm of legal translation, my research endeavors delve into the intersection of language, law, and technology, seeking to unravel complexities and pioneer innovative solutions. Driven by a relentless pursuit of knowledge and a dedication to excellence, I am committed to making meaningful contributions to the field of legal translation. Through my academic journey and

professional endeavors, I aim to bridge linguistic divides, facilitate cross-cultural understanding, and advance the frontier of legal discourse in an ever-evolving global landscape.

Estudio diacrónico (2020-2023) de la implantación en castellano y en francés de la terminología de la Covid-19 en textos y contextos supranacionales y nacionales

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Keywords: implantación terminológica, discurso institucional, COVID-19, lingüística de corpus

Abstract

El 11 de marzo de 2020, la Organización Mundial de la Salud (OMS) declaró oficialmente la pandemia de COVID-19. La influencia del inglés como *lingua franca* en la comunicación especializada internacional ha condicionado la creación de nuevas unidades léxicas en otros idiomas (Faber y Montero Martínez, 2019:256) y los nuevos términos se modelan lo más estrechamente posible a partir de sus homólogos existentes en inglés (Humbley y García, 2014, 59).

Durante las fases iniciales de la crisis, los profesionales del lenguaje de la OMS (incluidos terminólogos, traductores e intérpretes) desempeñaron un papel crucial. La pandemia puso de manifiesto la importancia de los servicios de traducción institucionales en la armonización terminológica, no solo para garantizar la coherencia interna, la univocidad y la claridad en la comunicación institucional, sino también para respaldar el desarrollo de la terminología especializada en la lengua meta (Prieto y Morales, 2019, 109) [1]. Dichos profesionales, debido a la gran presión de trabajo de la emergencia sanitaria, elaboraron glosarios terminológicos, recursos lexicográficos de divulgación y tradujeron comunicados sobre salud pública del inglés a múltiples idiomas.

Si tomamos como paralelismo lo que ocurre con los términos jurídicos supranacionales y la transposición nacional del derecho de la UE, el paso de los usos acuñados en la esfera supranacional a la nacional es "interesante" y "un auténtico reto", tanto desde un punto de vista jurídico como terminológico (véase Biel y Doczekalska, 2020, 184) [2].

La OMS desempeñó un papel fundamental en la acuñación de la terminología relacionada con la COVID-19, mientras que los gobiernos y los medios de comunicación fueron clave en su difusión. El estudio intenta arrojar luz sobre las dinámicas de implantación terminológica de las unidades más frecuentes relacionadas con la COVID-19 en diversos géneros textuales representativos (discursos institucionales, prensa y textos jurídico-administrativos).

Para analizar estos usos en contextos nacionales y supranacionales, se constituyeron y analizaron (utilizando *#LancsBox*) los siguientes subcorpus institucionales que contienen discursos del período comprendido entre el 01/01/2020 y el 30/09/2021:

Identificador	WHO_EN	EC_EN	FR_FR	SG_ES
Institución y acrónimo	Organización Mundial de la Salud (OMS)	Comisión Europea (CE)	República francesa (FR)	Gobierno de España (SG)
Responsable institucional y cargo	Tedros Adhanom Ghebreyesus – Director general	Ursula von der Leyen – Presidenta	Emmanuel Macron – Presidente	Pedro Sánchez – Presidente del gobierno
Mandato	17/05/2017 – Presente	01/12/2019 – Presente	14/05/2017 – Presente	02/06/2018 – presente
Lengua	EN	EN	FR	ES
Fuente (web)	*WHO Director-General - Speeches*	*European Commission – Press Corner*	*Vie publique – Collection des discourses publiques*	*La Moncloa – Intervenciones del presidente del Gobierno*
Documentos (total)	531	308	234	263
Documentos analizados	**520**	**90**	**65**	**45**
Tokens	**463.886**	**67.474**	**206.290**	**259.925**
Types	**14.129**	**5.076**	**12.919**	**13.505**
Lemas	**12.391**	**4.312**	**9.185**	**9.078**

Para identificar los usos acuñados y difundidos por la OMS en francés y en español, se constituyeron dos subcorpus paralelos con la versión traducida de los discursos (cuando estaban disponibles):

Identificador	WHO_FR	WHO_ES
Documentos analizados	**354**	**314**
Tokens	**422.857**	**358.775**
Types	**21.862**	**19.153**
Lemas	**17.942**	**16.005**

Un primer análisis estadístico del subcorpus WHO_EN, que contiene discursos del director general de la OMS durante el período 2020-2021, reveló la terminología más frecuente relacionada con la COVID-19. Así pues, entre las unidades más empleadas, hay *community transmission, COVID-19 pandemic, COVID-19 vaccine, COVID-19 virus, global pandemic, health security, herd immunity, vaccine equity* o *vaccine rollout*, entre otras.

Una primera investigación (Morales, 2023) se centró en determinar en qué medida los contextos institucionales nacionales francés y español, así como el contexto supranacional de la UE, utilizaban y difundían estas unidades terminológicas. Asimismo, se verificaron sus usos en corpus de prensa escrita generalista, tanto en francés (*Le Figaro* y *Les Échos*) como en español (*El País* y *El Mundo*), y se rastreó su aparición en dichos medios durante 2020-2021.

La presente investigación amplía tanto los ámbitos del análisis como el arco cronológico, con el objetivo de obtener una perspectiva diacrónica más sólida que la anterior (Morales, 2023). Por un lado, se evalúa cómo ha evolucionado la implantación terminológica de las unidades más frecuentes en francés y español durante el período comprendido entre el 30 de enero de 2020 y el 31 de diciembre de 2023.

Por otro lado, se complementa el estudio mediante la identificación de la implantación de estas unidades en textos representativos del discurso jurídico-administrativo, tales como el *Diario Oficial de la Unión Europea,* el *Journal Officiel de la République Française* y el *Boletín Oficial del Estado*.

Además, se amplía el estudio incluyendo datos de los años 2022 y 2023 en los mismos contextos institucionales (OMS, Comisión Europea, República Francesa y Gobierno de España), así como en periódicos escritos en francés y español.

Esta nueva investigación, por lo tanto, se propone analizar de forma exhaustiva los factores que han contribuido a la implantación terminológica de las unidades seleccionadas, con el fin de determinar, basándose en datos empíricos, si se ha producido más "adherencia" o "dispersión terminológica" en relación con la COVID-19 en las lenguas y géneros textuales analizados.

Notes

[1] Traducción propia.

[2] Traducción propia.

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Power dynamics of institutional measures in legal translation and interpreting

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Keywords: translation policy, translation rights, ideologies, power dynamics, multilingualism management

Abstract

The study of translation and interpreting policies has recently taken center stage among researchers across various disciplines, such as translation studies, law, linguistics, political science, sociology, and more. The traditional definition of translation policy encompasses translation management, practices, and ideologies (González-Núñez & Meylaerts 2017), which are viewed as interconnected elements able to promote or hinder linguistic diversity. Language and translation policies have been extensively categorized into macro-level, meso-level, and micro-level. In this study, macro-level policies refer to the legal norms that regulate translation and interpreting; meso-level policies are the measures designed and implemented by relevant institutions (e.g., hospitals, courtrooms, schools, media providers, etc.); and micro-level policies include practices put forward by individuals and communities of practices (including translators, interpreters, and other stakeholders).

The way in which discussions on translation policies has been conducted have focused on legislative instruments, thus assuming that public policy is primarily reflected through legal frameworks. However, policy instruments can take the multifaceted shape of legislation, reports, guidelines, opinion papers, among other genres. Identifying relevant translation policies has become a central focus of recent scholarship in our field, as exemplified by by Hlavac et al. (2018) or Díaz Fouces (2017), among other authors. These studies contend that translation policy is a complex process involving various stakeholders that go beyond legislative rules. Therefore, macro-level analyses of translation policies have proven to be fruitful in revealing the legal support that languages receive in certain sociolinguistic domains, including education, healthcare, the media, or legal settings, among others. However, a deeper analysis of multilingualism in these domains — that is often regulated outside legislation in most cases (Moreno-Rivero 2023) — reveals a misalignment between translation management, practices and ideologies. This discrepancy usually lies in the high degree of discretion of policy implementation afforded to certain institutions. In this paper, I will address the relevance of meso-level policies, i.e. those elaborated in pertinent institutions, in the provision of comprehensive support to linguistic communities. In doing so, I will explore the impact of meso-level policies in the elaboration of translation and interpreting policies. The focus will be on understanding how these policies influence translation practices in specific contexts, particularly in legal settings. This investigation aims to contribute to a more comprehensive understanding of the multifaceted nature of translation policy, recognizing the significance of meso-level dynamics in shaping the landscape of language access and translation services.

This paper is part of a larger project (Moreno-Rivero 2023) focused on translation policies of minoritized carried out at the University of Cambridge between 2018 and 2023. This project included a cross-sectorial analysis of translation management, practices, and ideologies in minoritized language communities in Europe, combining policy analysis of international, supranational, and national legislation with an ethnographic study, involving observations and individual interviews (n=41) of relevant informants for case studies for Catalan and Welsh.

Firstly, I will critically analyze the definition of 'translation rights' as enshrined in international law (Moreno-Rivero 2024). I will present a translation policy corpus based on international instruments and will scrutinize the rights to translation and interpreting provided therein. Secondly, adopting a transnational approach, I will compare different European contexts to explore the extent to which legal institutions (i.e., Ministries of Justice, national and local courtrooms, and police stations) apply principles of language diversity and the vital role of translation and interpreting in achieving language rights. Linguistic tensions that appear in 'spaces of power' — as described by several informants — are further reinforced by translation directionality in domains where there are dominant and dominated languages. I will evaluate how power tensions are created and addressed through translation and interpreting. Finally, taking into account the integration of macro- and meso-level investigations into legal translation and interpreting, I will argue that elaborating (and implementing) comprehensive policies in legal settings should primarily consider the language access policies designed at the meso-level, which address the needs of specific language communities.

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La vaghezza nel linguaggio giuridico russo: alcuni casi di "deficit" nello stato di diritto

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Keywords: traduzione giuridica; diritto russo; vaghezza nel diritto; stato di diritto; arbitrarietà

Abstract

Il diritto è fatto di lingua e da questa il linguaggio giuridico non è separabile. Proprio dalle strutture morfosintattiche della lingua dipende la forza pragmatica degli enunciati giuridici. Così come la vaghezza – intesa come la condizione in cui, oltre alle ipotesi sicure su come applicare il concetto, si aprono molteplici "borderline cases" – è propria della lingua, la vaghezza è anche "ineliminabile dal sistema giuridico": "il diritto è necessariamente vago" (Endicott, 2000: 190). Ciò non vuol dire che l'applicazione delle leggi sia arbitraria o che la vaghezza di per sé metta a repentaglio lo stato di diritto; questa, così come l'ambiguità e la genericità (condizioni ad essa affini, ma differenti), non costituisce un limite del linguaggio giuridico. La nostra socialità, dopotutto, si basa su numerosi concetti giuridici intrinsecamente vaghi quali Stato, individuo, cittadino o democrazia (Antelmi, 2008: 102). La vaghezza (si pensi ai concetti di "buon costume" o "ordine pubblico") spesso viene colmata attraverso un "rinvio (...) ai molteplici parametri delle valutazioni etico-sociali o del costume" (Luzzati, 1990: 314) e risulta non di rado essere una rinuncia consapevole a definizioni esplicite nei casi in cui la norma ha a che fare con implicazioni etiche e ideologiche, come l'eutanasia o i matrimoni omosessuali (Antelmi, 2008: 104).

Tuttavia, in alcuni casi la vaghezza causa un potenziale "deficit" nello stato di diritto, permettendo abusi da parte delle autorità e tradendo i principi del diritto stesso (Endicott, 2000: 203). Se da un lato una norma vaga permette al testo giuridico di rimanere aperto a nuove interpretazioni anche a fronte di modifiche culturali e sociali (Luzzati, 1990: 426), dall'altro enunciati giuridici volutamente vaghi si prestano a interpretazioni parziali e discriminatorie nella loro applicazione ai casi concreti.

Obiettivo del contributo è prendere in esame tre casi studio dal contesto giuridico russo recente illustrando le modalità in cui la vaghezza di alcuni enunciati permette abusi e applicazioni discriminatorie a danno dei cittadini. Inoltre, vengono prese in considerazione le strategie più adatte a veicolare anche in traduzione (ru>it) la componente vaga che risulta rilevante in questi testi giuridici.

Il concetto di rilevanza è infatti cruciale nella traduzione giuridica. Chi traduce è chiamato a selezionare i segmenti "rilevanti" del complesso impianto concettuale del testo di partenza e a presentarli come componenti altrettanto rilevanti all'interno del testo di arrivo (Engberg, 2011: 398). Se questa rilevanza è rappresentata da enunciati indeterminati, essa deve riproporsi anche in traduzione. La sfida per chi traduce è saper riconoscere e ricreare la vaghezza del diritto: non si tratta semplicemente di una vaghezza di tipo linguistico, ma anche pragmatico / legale (Endicott, 2000: 50-54); essa emerge soltanto a partire da un triangolo semiotico i cui vertici sono il segno, l'oggetto (il *denotatum*) e l'interprete (Antelmi, 2008: 93), ed è proprio quest'ultimo a fare da ago della bilancia nelle situazioni di indeterminatezza. Non è un caso che proprio i "borderline cases" costituiscano il "pane quotidiano" per

gli studenti di diritto. Chi traduce deve dunque saper riconoscere la vaghezza linguistica, considerare la sua rilevanza all'interno del testo di partenza, valutarne il peso pragmatico / legale e, in seguito a questo esame, individuare la strategia traduttiva adatta.

A guidare la prospettiva di ricerca sono le seguenti questioni: in che modo viene veicolata vaghezza linguistica e pragmatica negli enunciati giuridici presi in esame e quali strategie traduttive si possono adottare? Un'ulteriore ipotesi derivante dalla ricerca è quella di dimostrare come proprio la traduzione aiuti a sviscerare i momenti indeterminati rilevanti nel testo giuridico.

Attraverso gli strumenti analitici forniti dagli studi esistenti in materia di vaghezza nel linguaggio del diritto, vengono presi in esame tre testi normativi russi: l'articolo 6.21 del Codice degli illeciti amministrativi (introdotto il 02.07.2013), l'articolo 280.3 del Codice penale (introdotto il 18.03.2023) e la Legge federale N°255 (promulgata il 14.07.2022). L'analisi si soffermerà in particolare sugli enunciati vaghi in essi contenuti – rispettivamente la nozione di "tradizione/tradizionale", di "discredito" e di "influenza" (o influsso) – in una prospettiva semantico-culturale e traduttologica.

Il contributo mette in luce l'uso sistematico di enunciati vaghi da parte del legislatore russo, il quale ricorre ad essi in un'ottica strumentalmente culturo-specifica, aprendo la strada ad abusi e discriminazioni. Non a caso alcune studiose hanno messo in luce quanto il sistema giuridico russo sia scivolato da una situazione di stato di diritto (*rule of law*) a una di "governo attraverso il diritto" (*rule by law*) (Burlyuk, Axyonova, 2017).

Infine, lo scopo ultimo è anche quello di illustrare il ruolo che la traduzione svolge nel mettere in luce simili usi giuridici della vaghezza: la traduzione, infatti, permette di avvalersi di una prospettiva esterna di analisi del testo giuridico. Allo stesso tempo, viene sottolineato il valore di una corretta traduzione della vaghezza in ambito legale che sottolinei gli impliciti inseriti nel testo dal legislatore.

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podderžanija meždunarodnogo mira i bezopasnosti, ispolnenija gosudarstvennymi organami Rossijskoj Federacii svoich polnomočij, okazanija dobrovol'českimi formirovanijami, organizacijami ili licami sodejstvija v vypolnenii zadač, vozložennych na Vooružënnye Sily Rossijskoj Federacii ili vojska nacional'noj gvardii Rossijskoj Federacii" (Azioni pubbliche mirate al discredito dell'impiego delle Forze armate della Federazione russa nella tutela degli interessi della Federazione russa e dei suoi cittadini, nel mantenimento della pace e della sicurezza internazionale, nell'esercizio da parte degli organi statali della Federazione russa dei loro poteri, nella prestazione di assistenza da parte di formazioni, organizzazioni o soggetti volontari nell'esecuzione di compiti assegnati alle Forze armate della Federazione russa o alle unità della guardia nazionale della Federazione russa).

Federal'nyj zakon (Legge federale) ot 14.07.2022 N°255-FZ. "O kontrole za dejatel'nost'ju lic, nachodjaščichsja pod inostrannym vlijaniem" (In materia di controllo delle attività dei soggetti che si trovano sotto influenza straniera).

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Tracing national in supranational: The journey of system-bound elements through the system of genres at the European Court of Human Rights

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Keywords: legal genres, system-bound elements, European Court of Human Rights, legal translation, terminological variation.

Abstract

Supranational human rights discourse reconciles terminologies and phraseologies from a variety of sources, resulting in a continuum with different degree of interaction between and across the national and supranational dimensions. There are terms and multiword units (MWU) stemming from supranational legal sources and case-law; they coexist with legal transplants (Watson 1974), i.e. units that are borrowed from a certain legal system and redefined to fit the supranational context following the process of autonomous interpretation. Yet, cases coming to the attention of supranational human rights courts, such as the European Court of Human Rights (ECtHR), are rooted in unmistakably national systems, bearing traces of their legal order and terminology of origin, i.e. the so-called system-bound elements (SBE): "legal terms and concepts that, in a context requiring comparison, appear to be embedded in one legal system, be it national, regional, or international" (Peruzzo 2019: 78).

This study provides an overview of how national terms become integrated into the case-law of the ECtHR, expanding its multilingual character. Drawing inspiration from previous research on the intersection of national and supranational terminology in ECtHR judgments (Peruzzo 2019), the study adopts a *system of genres* approach (Bazerman 1994), analyzing how SBEs move through a system of legal genres that "interact with each other" (Bazerman 1994: 97), i.e. across multiple procedural genres of the ECtHR (application, case communication, written pleadings, decision and judgment).

The impetus for the study is provided by an ad hoc corpus, the CAPrIcE: Case-law on Agent Provocateurs, Incitement and Entrapment. The CAPrIcE contains 1) a subcorpus of judgments and decisions in English in respect of multiple states dealing with violations of the criminal limb of Article 6 of the European Convention on Human Rights (ECHR) in the matters of police entrapment; 2) a subcorpus of case communications, i.e. formal notices to the Respondent Government summarizing the case and initiating the written procedure in the same cases after the initial application has been deemed admissible, 3) a subcorpus of applications and written pleadings in the same cases [1].

The study adopts a multi-perspective methodological framework, combining insights from critical genre analysis (Bhatia 2017), with legal terminology and phraseology, specifically in international organizations (Brannan 2023; Peruzzo 2019), and Legal Translation Studies. Tracing the movement of SBEs from the national language and context, in which initial applications are lodged, to the pinnacle of the ECtHR system of genres, the judgment, this study emphasizes a critical role of *case communications*. Prepared by the Registry lawyers who process the initial applications, not only do case communications showcase the complexity of legal translation proper, they also recontextualize

national elements in a supranational context, translate SBEs, and adapt lay knowledge representations to the supranational discourse of human rights.

The findings demonstrate terminological variation in police entrapment cases. The ECtHR stated in its Guide on Article 6 that "[t]he terms entrapment, police incitement and *agent provocateurs* are used in the Court's case-law interchangeably" (2023: 49, note 6 [2]). Yet, these multiword terms, to which a more general MWT "undercover (police) operation" can be added, appear in the CAPrIcE with different frequency, dispersion and collocational behaviour (e.g. "plea of incitement", "entrapment defence"). Much of this terminology was adopted in the early entrapment cases coming from anglophone and francophone States. As the ECtHR's jurisdiction extended to other European countries, its discourse was enriched by system-bound terminology ("investigative test", "operative experiment", "drug purchase test", etc.), adding to the terminological variation. SBEs appear in the overview of domestic laws and facts and, for some languages, can be marked by the presence of translation couplets, presenting a literal or a functional equivalent coupled with the loanword, i.e. the MWU in the source language.

The analysis of genres preceding the key entrapment case-law in the procedural system of genres shows that terminological variation is attributable to hidden or covert translation from non-official languages carried out by the ECtHR lawyers at the case communication stage. This variation may be additionally enhanced by overt translation across the two official languages of the Court, English and French, at the judgment stage, as it happened in early entrapment cases.

A smaller sample of cases illustrates how factual reconstruction and SBEs migrate verbatim from case communications into judgments, despite different variants exist in other documents/genres of the system. The study ponders some country-specific differences in the rendition of SBEs, seemingly deriving from different alphabet usage and the intensity of national caseload. SBEs using Cyrillic script (Russian, Ukrainian) tend to be omitted in judgments. SBEs originating from high-caseload countries appear in consolidated versions, both translated (from Ukrainian, Russian, Romanian) and rendered using translation couplets with loanwords (Italy). SBEs from low-caseload countries (Latvia, Croatia) are subject to noticeable variation and tend to preserve loanword-based translation strategies in the judgment.

The findings thus offer a critical reflection on the potential challenges resulting in the misuse or incorrect terminologies, underscoring the dynamic interplay between supranational and domestic legal discourses.

Notes

[1] As initial applications and written pleadings are "occluded" genres (Swales 1996) in that they are not publicly available through the Court's proprietary database HUDOC, I have secured access only to a sample of those and not to the entirety of cases covered in the CAPrIcE.

[2] Available at https://www.echr.coe.int/documents/d/echr/guide_art_6_criminal_eng.

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The (augmented) legal translation trainer: Perspectives from a multifaceted approach

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Keywords: legal translation, human-machine interaction, translator trainer, legal expert, translation curricula

Abstract

Ten years ago, Pym alerted to the need to define new skill sets for the translator in the machine-translation (MT) age (2013). Traditionally, translation had been a "generative" activity consisting mostly of identifying solutions to translation problems. Conversely, today it requires selecting the adequate solution to a specific communicative situation among numerous possible candidates. This, in his words, is "a very simple and quite profound shift" (493), unsettling for trainees provided with multiple ready-made solutions and not enough insight on how to address them, but also for trainers accustomed to the traditional transfer process between source and target texts.

More recently, Rodríguez de Céspedes, discussing the implications for training of the shift of translation from human to machine, also warned that translator intervention at later stages of the process added a new dimension to the human cognitive act of translating (2019). Furthermore, although it is getting harder to distinguish between human and machine translation because MT systems are trained and fed with human translations (Doherty, 2016), human translation remains the standard for quality evaluation of MT output, and the activity of editing and correcting MT output is carried out by humans (ISO 18587:2017).

Post-humanistic perspectives (Lee, 2023) advocate that human-machine interaction opens avenues for expanding translators' skills, methods, and media. Preparing trainees for the human-centred augmented translation world (O'Brien, 2023) also requires re-centring the trainer's role and skill sets. A

focus group made up of translation, terminology, and legal trainers joined to reflect on strategies and resources to efficiently support the implementation of this new translation paradigm in the legal translation class. This joint reflection explored methodologies for validating machine-translated legal texts, combined automatic term extraction with comparativist approaches to legal language, and delved into translator competence models.

Translation trainers highlighted concerns about working with machine-translation systems that do not recognise contextual and extra-linguistic translation elements, although acknowledging the futility of restricting or ignoring their widespread use in in-domain as in general translation courses. Some argued that future translators will need literacy on the benefits and drawbacks of working over pre-existing text, MTPE skills, and a sharp eye to spot the "human-like" as well as the typical MT errors. Terminologists focused on quality issues and stressed the need to access reliable, up-to-date resources.

Jurists underlined the importance of legal translation in legal proceedings and for official purposes, and stated that with the increasing use of machine translation, legal experts are even more vital to ensure the accuracy and fidelity of translation. As they see it, it is the legal expert's responsibility to make sure legal terms are appropriately translated and that the end result complies with the applicable laws and legal systems. The role of jurists also involves using their expertise, particularly of comparative law, to deal with translation issues that go beyond equivalence between terms.

In sum, by sharing their expertise, these professionals started by dissecting the intricacies of the new translation paradigm and devising strategies to integrate it into the curriculum seamlessly. Through reflective dialogue and shared insights, the group identified key challenges and opportunities in implementing this new paradigm. At different levels, the focus group acknowledged that technology integration, continuous training, and quality assurance were the main challenges that new curricula need to address. On another note, the opportunities proved to outweigh the difficulties by raising productivity and efficiency, improving consistency, and enhancing the benefits of collaborative and dynamic learning. The focus group proved to be a collaborative effort that emphasized the importance of interdisciplinary cooperation, innovative thinking, and quality within the field of legal translation training.

We aim to share the results of this reflection, implemented under the stance that legal translation is a "knowledge communication process" (Engberg, 2017).

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Exploring the impacts of machine-based approaches to legal translation

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Abstract

This paper frames the discussion around the real impacts of Neural Machine Translation (NMT), Artificial Intelligence (AI) and other machine-based approaches to legal translation as a series of critical questions that need addressing: How extensively are technologies being used by lawyers and direct clients for legal translations? Why is there a growing reliance on machine-based approaches to legal translation among lawyers and clients, despite their known limitations? Are legal professionals and their clients fully aware of the risks and constraints associated with current technologies? How can the legal community be better informed about the potential inaccuracies and limitations of these technologies? Can machine-generated translations be trusted for legal accuracy and reliability in sensitive legal matters? How does reliance on machine-based approaches impact the credibility of legal professionals and the integrity of legal services? What are the ethical considerations in using machine-based approaches for legal translation? Moreover, what research methods can be employed to accurately assess the various technologies' practical effectiveness in this field? Do the technologies meet the unique requirements of legal translation, including precision and a deep understanding of legal terminology, legal culture and context? How do they perform in translating the nuanced language and ambiguity of legal documents? The above questions aim to guide a comprehensive exploration and evaluation of legal translation in the future: a body of research that needs to be conducted with the utmost urgency.

Author

John O'Shea LL. B (Hons.), LL.M has 30 years of experience in translating legal documents from Greek to English. He researches risk and legal translation, the liability of legal translators, the use of neural machine translation for legal purposes, and the translation of property law texts from Greek to English. His research on these topics has been presented at conferences and appeared in journals internationally. He has translated and edited academic law treatises, a work on legilinguistic translatology, and a series on political science. As a highly experienced legal translation practitioner he assists international investors and multinationals with interests in Greece and Cyprus, as well as some of the top law firms in those countries, with major court cases and key deals through the medium of translation. John O'Shea has taught various courses and CPD internationally and remotely, and dedicated much of his time in recent years to furthering the translation profession through national and supranational professional bodies. He is currently the Chairperson of FIT Europe.

“Diligent work” of court interpreters & translators reflected through court decisions

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Keywords: court interpreter, diligent word, remuneration, quality, international standards on translation

Abstract

“Diligent work” of court interpreters, providing written and oral translation for public authorities and courts in Slovenia, is written in the first paragraph of Article 2 of the Pravilnik o sodnih izvedencih, sodnih cenilcih in sodnih tolmačih, Ur. l. RS No 84/18, 148/21 and 18/24 (hereafter mentioned as Rules), the Slovene Rules on Court Experts, Certified Appraisers and Court Interpreters. Diligence is the key to high quality and a smooth procedure. (Cebulla 2007) Diligence and quality in legal translation mean keeping high standards, which also results in higher costs. (Dimović 2023)

Despite the increasing presence of artificial intelligence in the translation industry, court interpreters stand firm in their commitment to safeguarding the right to a fair trial. Their role is irreplaceable, bringing words, context, and cultural nuances to the courtroom.

Amidst the dynamic political, social, and economic changes in Europe since the late 1980s, the need to fortify Article 6 of the European Convention on Human Rights became apparent. Adopting Directive 2010/64/EU of the European Parliament and the Council in Slovenia's criminal law and other legal fields was a significant step forward. (Erbežnik and Dežman 2022) In 2018, implementing the Zakon o sodnih izvedencih, sodnih cenilcih in sodnih tolmačih (ZSICT), Ur. l. RS No 22/18 and 3/22, the Court Experts, Certified Appraisers and Court Interpreters Act (hereafter mentioned as ZSICT) brought about notable changes. The new Act and the Rules, effective from January 1, 2019, marked a positive shift in the regulatory landscape for court interpreters. They have brought about significant changes in regulating court experts, appraisers, and interpreters. It has strengthened the regulatory framework by incorporating disciplinary responsibility and measures, enhancing its effectiveness.

Although the aspect of quality of the work of court interpreters was already introduced in earlier provisions of Slovene legislation, there is an increasing need for comprehensive integration of translation theory and standards of translation and interpreting into the law. This involves addressing the question of what constitutes diligent work.

Despite attempts to regulate quality, there has been a notable increase in court decisions by higher courts in Slovenia on appeals by court interpreters following the partial rejection of their claimed remuneration for work performed. In these cases, courts and clients reflected that the claimed remuneration by the court interpreters was, according to the court decisions, not always justified and often too high and that their work was of disputable quality. Consequently, the work performed by court interpreters was reflected upon by its level of diligence and used as an argument not fully to recognise the proposed remuneration by the court interpreter.

The growing number of these cases reveals the need for research and guidelines to facilitate the evaluation of diligent work by court interpreters and to educate courts, judges, and clients on

international translation standards (ISO, ASTM) and the working methods of court interpreters. With these issues mentioned, the procedural provisions for guaranteeing quality in legal translation are still insufficiently discussed in legal research. While some notable researchers (e.g., Šarčević 1997) in the linguistic field have given valuable insights into legal translation, the importance of quality and the definition of diligence performed by experts do not provide sufficient information on the specific aspects that are relevant for court interpreters who act as experts in the courtroom. This topic, therefore, deserves adequate attention in legal research too. (Osolnik Kunc 2016)

The paper will use the socio-legal, comparative-legal, and historical-legal approaches to analyse ten court decisions and reflect on the development of the profile of the court interpreter in Slovenia to categorise legal effects through translation. The results of this research will be presented at the conference in Triest.

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Passi importanti verso una maggiore uniformità terminologica nella traduzione dei testi amministrativi nel territorio bilingue dell'Istria slovena

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Keywords: traduzione di testi giuridico-amministrativi, uniformità terminologica, ufficio per il bilinguismo, progetto bilaterale, certezza del diritto

Abstract

Con il presente contributo si intende riproporre il problema dell'uniformità terminologica nella traduzione dei testi giuridico-amministrativi per la minoranza italiana in Slovenia. Da numerose ricerche effettuate negli ultimi anni su taluni testi amministrativi (statuti, regolamenti, deliberazioni, provvedimenti amministrativi ecc.) tradotti in italiano nei quattro comuni bilingui del Litorale sloveno e, altresì, da un'indagine condotta di recente tra gli studenti iscritti al Corso di perfezionamento in traduzione giuridica tra l'italiano e lo sloveno, tenutosi nell'anno accademico 2022/23 al Dipartimento di Scienze Giuridiche, del Linguaggio, dell'Interpretazione e della Traduzione dell'Università degli Studi di Trieste, è emerso in modo inequivocabile che determinati termini o denominazioni (es. *nosilec projekta, srednja šola, turistična taksa* ecc.) sono tradotti con traducenti diversi, risultando così poco comprensibili e talvolta persino fuorvianti per i destinatari. In effetti, talvolta determinati termini si prestano ad essere tradotti in due o più modi diversi, teoricamente tutti accettabili. A titolo di esempio, si veda la denominazione *vrtec*, tradotta in italiano come *scuola dell'infanzia*, ma anche come *scuola materna*, *giardino d'infanzia*, *asilo d'infanzia*, o semplicemente *asilo*; oppure, il termine *lokalne volitve*, che viene tradotto in italiano come *elezioni locali, elezioni comunali* o *elezioni amministrative*. Tale *modus agendi*, in assenza di regole ovvero di un'opera di standardizzazione della terminologia, genera una situazione di incertezza e persino di disorientamento per i destinatari del testo di arrivo, i quali sovente in presenza di testi normativi sono tenuti ad osservarne i precetti, le prescrizioni o i divieti in essi contenuti. In tali casi, dunque, la presenza di più traducenti per lo stesso termine, è fuorviante per i destinatari e altresì mina il fondamentale principio della certezza del diritto. Detto fenomeno, come è noto, ricorre anche in altri paesi, in particolare in quelli dove vi sono minoranze linguistiche e dunque vi è la necessità di fornire testi bilingue. In passato tale situazione era presente anche in Friuli - Venezia Giulia, quando si traducevano i termini giuridico-amministrativi italiani in sloveno per gli appartenenti alla minoranza slovena. Dal 2018 nella Regione Autonoma Friuli-Venezia Giulia è stato istituito l'Ufficio centrale per la lingua slovena, il quale ha la funzione di gestione e coordinamento delle attività inerenti all'uso della lingua slovena nella Pubblica Amministrazione, al fine di garantire ai cittadini di lingua slovena il diritto all'uso della propria lingua nei rapporti con le autorità amministrative locali. In detto Ufficio altresì operano traduttori ed esperti in materie giuridiche che, unitamente a consulenti esterni, provvedono all'arduo compito di traduzione ovvero di standardizzazione della terminologia giuridica italiana in sloveno. Tuttavia, di recente anche in Slovenia sono stati fatti passi importanti volti a offrire delle soluzioni a tale problema. In particolare, nel gennaio del 2022, a Capodistria, è stato istituito l'Ufficio per il bilinguismo della Comunità autogestita costiera della nazionalità italiana, il quale, oltre al precipuo compito di vigilare sulla applicazione del bilinguismo sul territorio nazionalmente misto

della Repubblica di Slovenia da parte delle istituzioni pubbliche, è a disposizione degli enti, delle istituzioni e della Comunità Nazionale Italiana (CNI) per la traduzione della documentazione necessaria allo svolgimento del loro operato. In seguito, nel 2023, in seno alla CAN Costiera, è stato istituito il Gruppo di lavoro per la standardizzazione della terminologia italiana nell'area bilingue della Slovenia. Oggi, dopo oltre due anni di operato di detto Ufficio, si possono già rilevare benefici ovvero risultati tangibili in tutta l'area interessata, specialmente per quanto concerne le norme, gli atti e i documenti delle amministrazioni comunali interessate. Inoltre, nell'aprile 2023 ha preso avvio un progetto bilaterale di ricerca tra la Repubblica di Croazia e la Repubblica di Slovenia, denominato "La traduzione nelle istituzioni bilingui dell'Istria croata e slovena: stato attuale e prospettive", il cui obiettivo primario è accertare ed esaminare la situazione attuale e, ove possibile, creare le condizioni affinché nelle istituzioni bilingui dell'Istria croata e slovena si possano acquisire maggiori competenze e strumenti per offrire ai cittadini traduzioni quanto più chiare e trasparenti. Tra gli obiettivi prefissati e che si intendono conseguire al termine di questo progetto vi è anche la realizzazione di una raccolta di termini giuridici propri dell'ordinamento giuridico sloveno, con le relative traduzioni in italiano ovvero con i relativi termini corrispondenti esistenti nell'ordinamento giuridico italiano. In particolare, dal punto di vista metodologico, si intende *in primis* selezionare determinati termini nelle fonti normative dell'ordinamento sloveno e successivamente procedere alla ricerca dei termini corrispondenti nell'ordinamento giuridico italiano. In modo analogo e seguendo lo stesso metodo si dovrà procedere alla realizzazione anche di una raccolta di termini giuridici dell'ordinamento croato, con i relativi termini corrispondenti vigenti nell'ordinamento italiano. Agendo in tale modo, seppur limitatamente alla serie di voci selezionate, si potranno ottenere termini corrispondenti e offrire al traduttore e di conseguenza ai destinatari una terminologia quanto più uniforme e non equivoca. Pertanto, in questo contributo, dopo una premessa sulle norme a tutela della minoranza italiana nonché sullo status della lingua italiana in Slovenia, si presenterà lo stato attuale della traduzione dei testi giuridico-amministrativi nell'area bilingue dell'Istria slovena e i possibili sviluppi futuri, volti a offrire ai destinatari testi e una terminologia più chiara, più uniforme e che meglio salvaguardi il principio della certezza del diritto.

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The translation of the South Tyrolean provincial law "Participation and inclusion of people with disabilities" in *Leichte Sprache* and *Lingua Facile*

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Keywords: Leichte Sprache, Lingua facile, legal field, Partecipazione e inclusione delle persone con disabilità, Teilhabe und Inklusion von Menschen mit Behinderungen

Abstract

The legal field is undoubtedly one of the subtypes of expert-lay-communication with more practical implications, along with the medical field. While citizens can actively decide not to read complicated texts about, for instance, physics, they are periodically faced with potentially complex legal or medical documents in their everyday life, whether they want it or not.

In recent years, many studies in the field of popularization and language simplification have been devoted to legal texts. Some instances in law popularization are those by Engberg (2018; 2020; 2021), while those in simplification of legal texts consist in the work by Rink (2020) and Williams (2022). The former focuses on *Leichte Sprache* (from now on "LS") in legal texts in Germany, the latter on the influence of Plain Language on the legal field in the United Kingdom. Less attention, on the other hand, has been paid to interlingual translation of simplified language variants.

The present paper aims at examining a case study, i.e., the translation of the South Tyrolean provincial law "Participation and inclusion of people with disabilities" ('Partecipazione e inclusione delle persone con disabilità'/'Teilhabe und Inklusion von Menschen mit Behinderungen', 14 July 2015 n. 7) in LS and *Lingua Facile* (from now on "LF"). This is arguably the only instance of law written also in LF (cf. Magris 2022), which makes it particularly interesting to examine. A comparison will be drawn between the simplified versions and the law in standard language as well as between the two simplified versions. To do so, a qualitative analysis will be undertaken to examine the lexico-terminological, morphosyntactic, textual, and graphical level of these texts. The level of comprehensibility and adherence to guidelines in the field (*inter alia* Bredel & Maaß 2016; Sciumbata 2022) will be considered. For spatial reasons, the present abstract will illustrate only some aspects by reporting mainly instances concerning LS.

Overall, the texts translated in LS and LF are far easier than the corresponding standard language texts. They are also far longer than the corresponding laws, which entail 14 pages each. The LS text is 124 pages long and the LF text 122 pages long.

From a lexico-terminological level, words are generally easy to understand, quite common and not abstract. On the other hand, certain words found in the text are not very common, as occurs with *rasten*. According to the Duden dictionary, on a frequency scale from 1 to 5 *rasten* belongs to class 1 (rare). This suggests that the word should be replaced, for example by lemmas like *ausruhen (*class 2) or *entspannen* (class 3). Terminology is generally avoided or explained in the glossary, where it is provided alphabetically. Some examples are *Abkommen*, *Arbeits-Eingliederungs-Projekte*, and *Chancen-Gleichheit*. Technical terms are also sometimes explained in the running text, as occurs with *inklusiv*.

On a morphological level, according to guidelines LS texts should present a more reduced verbal system than the one found in this text (Bredel & Maaß 2016: 312-328). The passive voice, for instance, is not recommended in LS but is very frequent here: "Menschen mit Behinderungen dürfen nicht benachteiligt werden. Das heißt, Menschen mit Behinderungen dürfen nicht schlechter behandelt werden als Menschen ohne Behinderungen. Niemand darf wegen einer Behinderung schlechter behandelt werden." ('People with disabilities should not be discriminated. This means that people with disabilities should not be treated worse than people without disabilities. Nobody should be treated worse because of a disability.') and "Das Land Südtirol will, dass alle diese Hindernisse abgebaut werden." ('The province South Tyrol wants that all these obstacles are eliminated.', literal translation). According to other guidelines and books about LS, passives should not be avoided altogether, but they should be used sparingly and not along with other constructions that increase complexity, such as modal verbs, negation, and subordination (Bock 2018: 51), which all occur in the aforementioned examples. The future tense, also not recommended by Bredel and Maaß (2016), is found in the text.

The LS text is definitely less abstract than the standard language law and has a verbal (rather than nominal) style. For instance, the title "Zielgruppe" ('target group') is replaced by the sentence "Für wen ist dieses Gesetz gültig?" ('For whom is this law valid?'). Another instance is a long list of abstract nouns in the law, such as "[...] die volle Achtung der menschlichen Würde, der individuellen Autonomie, einschließlich der Freiheit, eigene Entscheidungen zu treffen, sowie deren Unabhängigkeit [...]" ('the full respect of human dignity, of individual autonomy, including the freedom to make decisions, as well as their independence'), translated as "Menschen mit Behinderungen sind ein wertvoller Teil der Gesellschaft. Sie können eigene Entscheidungen treffen und haben das Recht dazu" ('People with disabilities are an important part of society. They can make their own decisions and have the right to do so'). Another noteworthy aspect is the use of hyphens rather than interpuncts in compound words, as in *Landes-Gesetz* and *Arbeits-Beschäftigung*.

From a syntactic point of view, a general attempt to avoid hypotaxis is made. However, subordination is still found. In many cases, long (and compound) sentences are just broken down into different lines of text to aid the reader. While this is recommended in LS, here phrases are often interrupted, as occurs in "Auch Eltern und Familien sollen / gut unterstützt werden" ('Parents and families should / be supported well') and "Sie sollen auch bei allen Ausflügen, Lehrfahrten und / Veranstaltungen dabei sein und mitmachen" ('They should attend and take part in excursions, school trips and / events').

Other aspects that are worth commenting are the lack of bold weight to highlight negation and keywords, typical of LS (Bredel & Maaß 2016: 460-468). Pictures are often used to illustrate what is described in the running text.

The general impression about the LF text is that it is very adherent to the source text. In other words, it seems to be a "normal" translation of a German text, not a translation made while keeping in mind the rules of LF. For example, the subjunctive mood is found, although guidelines in the field recommend avoiding it and using indicative instead.

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“Blissfully unaware”? Investigating the impact of NMT on the quality of legal trainees’ translations

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Keywords: Post-editing, from-scratch translation, translation quality assessment, error analysis, translator training

Abstract

The increasing quality and customisability of neural machine translation (NMT) have paved the way for its implementation also in fields once considered unsuitable for automation, e.g. law. This calls for a reconfiguration of the skill set required of (legal) translators (Pym & Torres-Simón, 2021) and educational programmes, which should thus integrate automation-related training and ensure the development of the relevant technological, translation and info-mining skills.

The different skills and processes implied in unaided vs. machine translation have been widely investigated in professional and educational settings by exploring, among other things, the differences in quality, time, info-mining material and practices, and cognitive processes between the two procedures (cf. Quinci, 2024, pp. 293–295 for an overview). However, no studies have thus far empirically tested whether the implementation of (semi-)automated practices in the translation class – especially at an early stage of the training path – might hamper the development of (legal) translation competence (LTC) or its components, with special reference to thematic and instrumental competences (Prieto Ramos, 2011, p. 12), since it is precisely through research work that info-mining skills are developed and much of the domain-specific knowledge necessary to translate and/or post-edit a text is acquired (cf. Way, 2012).

The LeMaTTT project (Legal Machine Translation in Translator Training) aims to fill this research gap by addressing the following research questions: (1) At which stage of legal translator training should MT and post-editing be implemented? (2) Could the implementation of MT at an early stage in legal translator training hamper the development of thematic and instrumental competencies? To answer these questions, the project seeks to (a) observe whether and how the presence of pre-translated text affects the quality of students’ legal translations and/or their research patterns, and ultimately (b) determine whether NMT can hinder the development of LTC by limiting the number and/or types of resources students resort to when translating from scratch vs. post-editing.

The study was designed and carried out during the COVID-19 pandemic, thus requiring an entirely remote and self-administered procedure on the part of the participants. These include two cohorts of MA trainees: 54 first-year trainees with no to very limited experience and training in specialised translation and post-editing, and 110 final-year trainees with basic MT literacy and 44-hour training in legal translation. In each cohort, two groups were randomly created and assigned a different type of task, i.e. from-scratch translation or NMT post-editing. The two tasks shared the same language combination and direction, i.e. English (L2) to Italian (L1), source text, i.e. a power of attorney, translation environment, i.e. MateCat, and time limit, i.e. 2 hours. As for the use of external resources, no specific

limitations were imposed on either group except those concerning MT, which was enabled in the MateCat assignments for post-editors while its use was not allowed in from-scratch translation. The tasks also involved the compilation of a pre- and a post-task questionnaire aimed to collect profiling data and the students' perceptions and opinions about the task and MT.

Data were gathered through multiple methods and tools, i.e. screen-activity recording via *Flashback*, the pre-and post-task questionnaires via *Google Forms*, and the translated texts via *Google Drive*.

This paper focuses on the analysis of product data and considers a sample of 40 translations produced, respectively, by 20 first-year and 20 second-year post-editors/from-scratch translators. The analysis adopts a qualitative approach aimed at assessing the overall quality of the target texts and exploring the number and types of errors. Translation quality assessment and error analysis rely on the error typology developed at the University of Padua drawing on Mossop's (2019) error parameters. To ensure inter-text consistency in the assessment procedure, the computer-assisted revision tool *translationQ* is used, which allows the researcher to (semi-)automatically retrieve identical errors across multiple translations and apply the same error category and penalty.

When mapped onto the participants' training and experience in translation (first- vs- second-year trainees) and the type of task (post-editing vs. unaided translation), translation quality assessment can reveal whether quality correlates with experience in translation irrespective of the translation procedure or whether NMT can compensate for lacking LTC and positively impact translation quality to the extent that first-year inexperienced and untrained post-editors deliver superior or equal quality as second-year trainees. The latter scenario, i.e. the one in which NMT help students to achieve higher quality than that they would attain in unaided translation, would prove the riskiest in the training setting as it could make trainees "blissfully unaware" (Jääskeläinen, 1996, p. 67) and dangerously unconscious of their actual level of competence. This would ultimately advocate in favour of a late introduction of MT in training programmes so that students could develop the necessary competencies to perform and assess a legal translation task.

Quality-related results will also be triangulated with previous findings about the same participants' allocation of time, use of external resources (Quinci, 2024), trust in MT and opinions about its use (Quinci, 2023) to draw more general conclusions about the influence of NMT and domain knowledge on translation quality but also the participants' research behaviours, use and perception of MT.

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Les variantes topolectales des codes pénaux arabes : un défi pour le traducteur juridique

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Keywords: Variations topolectales, traduction, code pénal, lexique juridique, uniformité.

Abstract

Notre étude abordera la notion des variantes topolectales du lexique juridique arabe relatif à la dénomination des codes pénaux. Le corpus se constitue de plusieurs dictionnaires juridiques bilingues français arabe. Le choix des dictionnaires adoptés prendra en considération la nationalité de l'auteur et le lieu de publication. Outre les dictionnaires juridiques, les titres des codes pénaux libanais, égyptien, saoudien et tunisien feront une partie intégrante du corpus déjà mentionné. Le passage de la langue française vers la langue arabe par effet de traduction dans les limites d'un même domaine aboutira parfois à différentes traductions arabes. Pour étudier ce phénomène de variantes topolectales, une comparaison terminologique s'avère être essentielle.

Partant du fait que l'arabe standard vu comme une seule langue est capable de désigner plusieurs systèmes de droits dans différents pays arabes, le traducteur se trouvera face à plusieurs obstacles lors du processus traductionnel. En effet, il sera chargé de respecter les équivalences régionales lors de la production d'un texte d'arrivée. Cette conscience traductionnelle est indispensable afin de transmettre un sens compréhensible à un lecteur cible. La portée d'attention sur le phénomène de variations topolectales et sur ses causes d'apparition dans une région donnée accroit le niveau de précision linguistique et rend la traduction un fruit adéquat et correcte.

La variation lexicale géographique se réfère aux différences observées dans le vocabulaire d'une langue selon les régions où elle est utilisée, qu'il s'agisse de continents, de pays, de régions ou de localités (Galarneau et Vézina, 2008, p. 4). Selon Galarneau et Vézina (2008, p. 4), « plus une langue est parlée sur un vaste territoire, plus cette variation géographique est perceptible ». De nombreuses études se sont penchées sur les variantes régionales de la langue française, notamment depuis les années 1970 (Poirier, 1995, p. 13). Et à partir les années 1980, les variantes de français hors de la France ont commencé à recevoir une attention sérieuse en terminologie et lexicographie (Galarneau et Vézina, 2008, p. 6).

L'arabe, parlé dans 22 pays arabes, constitue un sujet d'intérêt pour la recherche en raison de son expansion géographique et de son contact avec diverses cultures, ce qui souligne l'importance du phénomène diatopique. La langue arabe classique, ou *fuṣḥā*, subit des modifications lexicales, parfois radicales, en raison de ces influences géographiques et culturelles, en particulier dans des domaines spécifiques tels que le domaine juridique. Dans le processus de traduction, les facteurs géographiques et la spécificité du domaine traité jouent un rôle crucial. Le passage d'une langue source technique et juridique à une langue cible juridique, soumis à des variantes régionales, peut poser des défis aux traducteurs. Ainsi, l'étude des variations géographiques en traduction du français vers l'arabe devient de plus en plus nécessaire.

Cette étude propose alors plusieurs questions telles que : Comment le titre « code pénal » en français est-il traduit en plusieurs appellations arabes ? Est-ce que les cultures juridiques arabes proposent différentes dénominations pour le « code pénal » ? À quel point la terminologie peut-elle être la même face aux limites géographiques ? Quels sont les déclencheurs d'un tel phénomène linguistique ? Pourquoi la langue arabe littérale n'est-elle pas unifiée au niveau juridique spécialisé dans les quatre pays mentionnés ci-dessus ?

Étant donné que ce phénomène au sein de la langue arabe n'a pas encore été suffisamment exploré par les spécialistes, nous avons opté pour une méthodologie simple dans le but de faciliter l'étude et d'obtenir des résultats. Nous avons commencé par une récolte des termes, qui était complètement manuelle, sans recours à des outils ou des logiciels. De plus, nous avons extrait les deux termes juridiques français (CODE/ PENAL) ainsi que toutes leurs traductions arabes proposées par les dictionnaires et les codes sélectionnés. À ce stade, une comparaison minutieuse a été effectuée entre les traductions disponibles, permettant ainsi de formuler des hypothèses préliminaires pour expliquer les variations observées. Les résultats obtenus par suite de ce classement de termes mettent en évidence la récurrence des variantes topolectales et leur utilisation dans les contextes officiels des quatre pays arabes étudiés. Il est notable que malgré l'utilisation de la même langue arabe officielle, le terme "code pénal" est désigné différemment dans chaque pays arabe. Il est également remarquable que les termes étudiés soient moins fréquents et parfois absents des dictionnaires bilingues étudiés. Des tels résultats peuvent entraîner une confusion lors de la traduction, en l'absence explicite de ces différents usages officiels des termes « code » et « pénal ».

Ces variations topolectales sont clairement présentes dans le domaine juridique et linguistique arabes, ce qui complique le travail du traducteur. Non seulement doit-il approfondir l'interprétation des notions juridiques, mais il doit également tenir compte de toutes les options terminologiques et les comprendre afin de prendre les bonnes décisions lors du passage d'une langue source à une langue cible.

À long terme, des efforts d'harmonisation contribueront à renforcer la cohésion juridique et sociale dans le monde arabe. En établissant une base terminologique commune, les codes pénaux pourront mieux refléter les valeurs partagées de ces sociétés, tout en laissant une place à la richesse de leurs variations locales.

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Towards a categorisation of translation problems in sworn translation of academic documents

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Keywords: academic document; categorisation; cultural reference; official translation; translation problem

Abstract

In order to overcome the barriers created by linguistic asymmetries between the administrations and institutions of two different countries, and to recognise or homologate documents written in a language other than the official language of the destination country, it is often necessary to resort to official or sworn translations. The increasing mobility of both students and professionals since the creation of the European Higher Education Area and other international exchange programs with other countries such as the United States in the last two decades has favoured the growing demand for sworn translations of academic documents. In fact, academic documents are nowadays one of the most common assignments received by sworn translators.

This study presents the categorisation of translation problems from a functionalist perspective already carried out by Lobato and Relinque (2024: 104-117). The categorisation of problems was based on the concept of translation problem presented by Calvo and De la Cova (2024: 26-54), following an inductive-deductive methodology influenced by the coding process of Grounded Theory.

The corpus under study consists of 16 transcripts of records issued by American universities that have been the subject of real sworn translation assignments in the English-Spanish language combination. The reason for this choice lies in the fact that the authors have been able to confirm, based on both their professional experience and the statements of renowned authors in this specialised field of sworn translation (Mayoral, 1991: 1; Márquez 2005: 34, among others), that academic documents are often the object of certified translation assignments and constitute one of the most habitual types of work for certified translators (Andújar, 2007: 110).

The authors start from the hypothesis that the categorisation could be of great utility for both translation students and professional official translators when carrying out pre-translation analyses, since a pre-translation analysis based on the functionalist concept of translation problem provides a clear framework for decision-making in the different phases of the translation process. Therefore, this categorisation presents a valid and clear application in translator training contexts since it facilitates the detection and analysis of obstacles that arise in translation process and the implications that the latter has on decision-making. If students perform this analysis before starting to translate, they will find it easier to carry out their translation task, resulting in a much better and more reliable final outcome

(De la Cova and Relinque, 2023: 267-292). The same capacity to anticipate, analyse, and solve problems is also valued in the professional field, as it is often highlighted as a requirement in job offers in the translation sector. Lastly, from a scientific perspective, this categorisation could be useful for expanding future lines of research and determining if these categories would also serve for detecting problems in other types of academic documents.

In this paper, special attention will be paid to the problems posed by cultural references, which are very common in this textual typology. Although in the existing literature an independent category of problems is usually assigned to cultural references, in this proposal, the authors argue that they should not form a category in itself, but that they should be considered as a transversal category, since these cultural elements permeate any other category.

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Legal Translation in the Age of AI: New classroom approaches

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Keywords: Artificial Intelligence, Collaborative Translation, Legal Translation, Peer-Mentoring, Translator Training

Abstract

The Translation Studies landscape, including current professional practices and what goes on in the translation classroom, stands on the brink of a significant transformation. Translation students are avidly, if not blindly, adopting Machine Translation using Large Language Models (LLMs) or Artificial Intelligence (AI)for their translation tasks without questioning the quality of the results. At the same time, translation trainers grapple with keeping Machine Translation out of the classroom and finding new ways to contour it.

It is our contention that the integration of AI and teaching methodologies may provide translation students with the necessary skills that will be required of them in the job market.

This study is an explanatory account of a pedagogical approach that aims to explore and establish new strategies to effectively incorporate AI into the translation classroom, and potentially improve learning outcomes and experiences for students. A group of first-year undergraduate Translation students at a Higher Education Institution in Portugal will be expected to learn specialised translation techniques within the scope of legal translation with and without the use of Machine Translation. The study comprises three distinct phases.

The first is aimed at developing students' language skills and translation competence. By means of exercises centered on legal terminology and paraphrasing techniques, students engage in comparative analysis and reflection on various translation strategies, learn how to resort to specialised online resources and parallel texts and how to validate their translation strategies and solutions. They then go on to analyse, discuss and compare how Machine Translation deals with the conceptual knowledge, which is many times culturally-bound.

The second phase involves a collaborative project specifically tailored for translation students, where they participate in a role-play scenario, simulating the translation agency and the different roles and tasks involved within the translation process. By engaging in this activity, students are encouraged to actively contribute to each other's performance and decision-making.

Finally, when the final translation has been submitted to the Project Manager (the teacher, in this case), students participate in a cross-curricular and peer-mentoring exercise in which they receive feedback regarding their final text from undergraduate Law students attending the same university. Here too, the question of how AI helps render accurate translations solutions is discussed with these students.

The study results are based on the final translation and a questionnaire, which aims to gain information on the students' perception of the uses, learning outcomes, and the (in)effectiveness of using AI within

the translation project. In terms of learning outcomes, the study proved to enhance student autonomy, time-management skills and decision-making, while developing their sense of team spirit and work ethics. Above all, it developed students' perception of their agency and accountability for their translations, including the implications of using machine translation inappropriately.

All in all, this study addresses current and relevant questions in the light of current GenAI technologies. It is our contention that by bringing AI into the classroom students will understand its limitations and the importance of developing their translational skills first and foremost, rather than excessively relying on these technologies.

As translator trainers, now is the time to consider other pedagogical practices to enhance the use of AI as a complementary tool, rather than as a potential threat.

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El desarrollo de la conciencia ecológica y del conocimiento experto para traductores legales y juristas a través de la traducción audiovisual didáctica

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Keywords: justicia ecológica, inglés para juristas, traducción jurídica, traducción audiovisual didáctica, competencia experta en derecho

Abstract

En medio del colapso ecológico actual y en virtud del ODS 13 de la ONU, que propugna mejorar la educación para mitigar el cambio climático, este trabajo muestra el diseño y los resultados de una unidad didáctica con la que aumentar la conciencia medioambiental a través de la enseñanza del inglés jurídico en estudiantes universitarios. En concreto, se implementó en el aula de Derecho Internacional Privado en cuarto curso del Grado de Derecho y en el de Traducción Jurídico-Económica de Inglés del Grado de Traducción e Interpretación de la Universidad de Córdoba en el segundo cuatrimestre del curso 2023-2024. Se pretendía introducir el concepto de justicia ecológica del proyecto europeo Speak for Nature: Interdisciplinary Approaches on Ecological Justice, al tiempo que desarrollar la competencia comunicativa y textual en inglés y la competencia temática (Kelly, 2014) o conocimiento experto en derecho (Valderrey Reñones, 2004). La primera suele ser el talón de Aquiles de los juristas que desean trabajar en un entorno internacional y la segunda, el desafío mayor para traductores de especialidad jurídica. Teniendo en cuenta la efectividad de la TAD en la enseñanza de idiomas (Fernández-Costales, Talaván y Tinedo, 2023) y los datos arrojados por los primeros estudios de su aplicación a la traducción especializada legal (Rodríguez Muñoz, 2020), se siguió la metodología secuencial de traducción audiovisual didáctica de Talaván y Lertola (2022) empleada en el proyecto TRADILEX. De esta forma, se creó una *Lesson Plan* de cuatro fases (*warm up*, *video viewing*, *AVT task*, *post-AVT task*) en torno a la película *Erin Brockovich* que aborda la demanda colectiva contra una empresa estadounidense por contaminación de aguas. Se empleó un estudio cuasiexperimental de tipo *pre-test* y *post-test* y de corte cuantitativo-cualitativo para evaluar el impacto de la intervención sobre 55 estudiantes de Derecho y 50 de Traducción. Los resultados mostraron un leve aumento en la posibilidad de búsqueda de alternativas al sistema de producción actual contaminante y a la capacidad de intervención personal que tiene la ciudadanía para propiciar ese cambio. Ese decir, la conciencia ecológica y el valor de la acción ciudadana mejoraron, aunque tímidamente. A nivel temático y terminológico, las competencias carencias iniciales se paliaron de forma muy notable. Por ende, se plantea la aplicación de un mayor número de *Lesson Plans* que combinen las destrezas lingüísticas y la conciencia ecológica para replicar el estudio con un mayor número de datos y

comprobar si los resultados muestran una progresión positiva en las dos dimensiones, especialmente en la segunda, que implica un proceso más lento de reflexión y transformación actitudinal del estudiantado.

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Decoding lawful interception: Unraveling terminological tangles and beyond

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Keywords: Lawful interception, Interpreting, Translation, Transcription, Training, Criminal Justice.

Abstract

In our presentation, we address three intertwined issues. Firstly, lawful intercepts in criminal justice often require translation or interpreting due to linguistic diversity, yet ambiguity persists regarding the terminology for those facilitating language transfer in intercepts. In this abstract, we will adopt the term 'intercept interpreter,' which is currently the most commonly used. Secondly, this international terminological 'muddle', in turn, underscores the multifaceted nature of the intercept interpreter's tasks (Capus & Havelka, 2021), encompassing transcribing, interpreting, and investigative activities. Lastly, the objectives of lawful interception itself must be screened: they can be investigative (to prove facts in an alleged crime) or forensic (when presented as evidence in court).

We aim to clarify the terminological ambiguity by examining research conducted in various countries in Europe (Belgium, Italy, the UK) (Capus & Havelka, 2021; Salaets & Balogh, 2018) as well as in Australia focusing on both investigative (Lai, 2023) and forensic interception (Fraser & Kinoshita 2021, Fraser 2014,2018). Additionally, we plan to differentiate between investigative and forensic interception and establish standards in intercept interpreting tasks through both desk research, complemented by semi-structured interviews with intercept interpreters across Belgium, the Netherlands, Spain, France and Hungary.

The aforementioned semi-structured interviews with intercept interpreters in Belgium, the Netherlands, Spain, France and Hungary will answer the following questions:

> What are the intercept interpreter's tasks, roles, boundaries according to the intercept interpreters themselves?
>
> How do intercept interpreters perceive their own work
>
> How to intercept interpreters perceive their cooperation with legal professionals?

Based on the findings of both desk research and qualitative inquiries, we outline the principles of a specialized training course which adopts a multi- and transdisciplinary approach that involves magistrates, police forces and experienced intercept interpreters.

This course will focus on the specificities of transcription (including extra-linguistic elements) and/or the synopsis creation (meaning the indication of the 'relevant' parts); adherence to the ethical code,

distinct from that expected of the 'regular' legal interpreter (for instance when referring to concepts like accuracy and impartiality); the importance of the specific context, which differs from regular communication in which information is not intended to be shared with the 'eavesdropper' (i.e., the police officer and in the case of lawful interception in foreign languages, the intercept interpreter).

In summary, our study aims to address the complexities of intercept interpretation by proposing a specialized training course that emphasizes transcription nuances, ethical considerations, and the distinctive context of lawful interception.

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Translating legal references in legal dramas: Dubbing vs subtitling

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Abstract

This paper presents a corpus-based study of the translation of legal references found in 20 episodes of *The Good Wife*, a popular US legal drama. The study investigates the translation strategies used to convey such references to Italian viewers in the dubbed and subtitled versions of the episodes, with the aim of informing the training of audiovisual translators and increasing their awareness of mode-specific constraints in specialised translation.

Although the primary function of legal dramas is to provide entertainment, they also contribute to popularizing legal discourse. In this sense, legal dramas are useful vehicles for informing the audience about the laws and the legal system of the country where the story is set. The translation of such audiovisual products for international distribution entails not just translation between two languages, but also between two cultures and legal systems. Most of the legal dramas popular today come from the US, a Common Law country, which makes them challenging to translate into the languages of Civil Law countries, such as Italian. As the aim of dubbed and subtitled versions of legal dramas is to entertain the target language audience, the translations need to strike the right balance between accuracy and accessibility and to consider the polysemiotic nature of films and TV series, as the presence of visual information (i.e., signs, documents, gestures, etc.) may facilitate or hinder the translation process. In addition, depending on the audiovisual translation mode in question (dubbing or subtitling), there are specific technical constraints which drive the translators' choices.

Despite the popularity of legal dramas and the consequent demand for international versions, there is relatively scant literature about their translation. There are some studies on the dubbing of courtroom dramas and legal series (especially from Italy and Spain, two of the main dubbing countries), and some research on the subtitling of such products, both by amateurs (fansubbers) and by professional subtitlers. In terms of overall translation approaches (Venuti 2008), dubbing has been found to tend to domestication and subtitling to foreignization, owing to the co-existence of the source and target language versions (henceforth, SL and TL), but to date no study has investigated systematically the different strategies required for the dubbing and subtitling of the same legal dramas.

The cultural distance between the legal traditions of the SL and TL countries is bound to have a bearing on translation choices. In addition, the translation may be more or less challenging depending on the nature of the legal reference in question, i.e. whether it is verbal (i.e., merely mentioned in the dialogues), verbal-visual (i.e., in the dialogues but also visible on the screen) or visual (i.e., visible on the screen but not verbalized by any character). The type of scene/shot (i.e., close-up, medium shot, long

shot, etc.) in which the legal reference occurs is also relevant, because dubbing and subtitling may deal with such technical aspects very differently. In dubbing, lip synchronisation considerations drive translation choices, while in subtitling, time and space constraints (i.e., character limit per line and available screen time for each subtitle) shape the subtitlers' translation solutions; in addition, the presence of the SL soundtrack also has an influence, as the TL audience may recognise some words and expect to find them in the subtitles. All these factors mean that the same legal reference may be translated differently in the dubbed and subtitled versions of the same scene.

The proposed paper builds on a previous publication on the dubbing strategies identified in a small corpus (8 episodes) of *The Good Wife*, a popular US legal drama (Sandrelli 2020). The present study focuses on a larger set of data (20 episodes) and compares the dubbed and subtitled versions. The English dialogues were transcribed along with their matching Italian dubbed dialogues and Italian subtitles. Then, all the legal references present in the SL dialogues were classified according to a taxonomy that merges two categorisations of cultural elements in audiovisual products, Ranzato (2016) and Pedersen (2005): source culture references (monocultural, shared by the whole source culture, and microcultural, specific to a sub-sect of the source culture), intercultural references, third-culture references and target culture references. This part of the analysis was aimed at obtaining quantitative data about the relative frequency of each type of legal reference, as they represent different cultural gaps to be bridged for the benefit of the TL audience. Moreover, each reference was also coded to indicate whether it is verbal, visual or verbal-visual, and the type of scene/shot in which it occurs. The second step in the analysis investigated the translation strategies used to convey such references in the two versions. We applied the taxonomy presented in Sandrelli (2020), which is based on an overview of relevant literature on legal translation and audiovisual translation. The taxonomy arranges the translation strategies in relation to their foreignizing or domesticating effects. More specifically, the former include calque (formal equivalence), loan, neologism, and substitution (with a more familiar SL element). The latter include functional equivalence (including near equivalence and partial equivalence), periphrasis (comprising explicitation and hypernym/ hyponym), omission, and compensation (in another part of the TL dialogue).

At the time of writing, the research is still on-going, so no conclusions can be drawn yet. By comparing how the same legal reference was translated in the two versions, we expect the analysis to highlight both similarities and differences. Our hypothesis is that domesticating strategies will be prevalent in the dubbed version, while foreignizing ones will be more frequent in the subtitles. However, some similarities are expected in relation to the presence of technical constraints (e.g., foreignizing strategies are likely to be frequent in both versions in close-up scenes) and in relation to the nature of the legal reference (intercultural references are likely to be treated in the same way in both modes).

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Migration and languages of lesser diffusion: The Erasmus+ Project *Dialogos*

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Abstract

Amidst the shift in migratory paradigms and a changing political arena (Sofinska, 2022), the Erasmus+ project *Dialogos* is concerned with the communication barriers and linguistic obstacles faced by migrants when accessing public services. Specifically, *Dialogos* focuses on languages of lesser diffusion (LLDs) and addresses the difficulties derived from the lack of qualified translating and interpreting professionals in these languages, which becomes an additional obstacle for LLD speakers to communicate in public service settings, such as police stations, immigration offices, courts and social services centers, among others (Wadensjö, 1998).

The institutions actively involved in *Dialogos* project are the University of Alcalá (Spain), the University of Genoa (Italy) and the Aristotle University of Thessaloniki (Greece), along with three partners coming from the non-profit sector: the Abrazando Ilusiones Foundation, the San Marcellino Association, and the Major Development Agency Thessaloniki. They have worked hand in hand in the second stage of the project, the purpose of which is to determine a) the most frequently used LLD in the countries involved in the project, b) the settings in which they are used and c) who provides linguistic assistance —in case it is being provided. To collect this data, a series of interviews and questionnaires have been conducted among two target groups: 1) prospective Public Services Interpreting and Translation (PSIT) students and 2) professionals coming from the legal, healthcare and humanitarian sector. Our presentation focuses on showcasing the results from these interviews and questionnaires to identify the insights that could be valuable for the following stage of the project, aiming to design a PSIT training course for LLDs speakers who are already providing linguistic services without previous training or might want to professionally do so in the future.

In our presentation, we will analyse the results obtained from the interviews and questionnaires conducted among PSIT students to describe the current situation in terms of linguistic service provision in LLDs: most widely spoken LLDs, the settings in which they are frequently used, and who is currently providing linguistic services in these settings. Additionally, we will also try to discern how this data might be useful for the craft of a training course that adapts to the needs of prospective LLD interpreters and translators and comprehensively addresses the problems they may face when working in different areas of public services.

Among others, the *Child Up* project in 2019, the *MentalHealth4All* project in 2022 and PRIN project "Migrant children's participation and identity construction in education and healthcare" in 2017, along with the European Master's in Translation (EMT) working group on PSIT have already carried out similar interviews and questionnaires, although with different purposes.

Specifically, in LLDs in legal settings, the *TraiLLD* project "focus[es] on the different aspects and methods of training for interpreters in languages of lesser diffusion" (Ku Leuven, 2024). Nonetheless, it does not consider other settings and areas involved in PSIT, like translation and mediation. In this way, Dialogos' approach is unique and provides a more comprehensive analysis of linguistic assistance provision in LLDs and which points shall be considered in order to develop a PSIT training course involving a variety of relevant situations: not only is the legal setting considered, but also healthcare and humanitarian contexts.

Considering the results of the interviews and questionnaires, our analysis aims to answer the following research questions:

1. Which are the most widely spoken LLDs in Spain, Greece and Italy?
2. In which settings are these LLDs spoken? In other words, in which settings are LLDs speakers most frequently assisted?
3. Are linguistic services provided for LLDs speakers? And, in case they are, who is providing them?
4. How can we use this information to create an effective PSIT training course for LLDs speakers?

As pointed out, the methodology used for this research are interviews and questionnaires carried out in the different countries involved in the *Dialogos* project. Both the questionaries and the interviews addressed two different target groups: a) 18 to 35-year-old LLDs speakers, who are already or could become university students in the field of PSIT; b) professionals working in the healthcare, humanitarian and legal sectors. Two different questionnaires were designed, one for each target group. The interview, however, included the same questions for both.

Data was collected from April to June 2023. 165 students (45 in Italy, 23 in Greece and 97 in Spain) and 171 professionals (78 in Italy, 43 in Greece and 50 in Spain) completed their corresponding questionnaire. Meanwhile, it was decided that each country would interview eight individuals, 6 students and 2 professionals, one coming from the legal sector and the other working in healthcare settings. Therefore, a total of 24 interviewees answered our questions.

The results from our analysis will be further developed in the presentation. However, we might state that, as expected, linguistic assistance provision is still a pending matter in the countries participating in *Dialogos*, with an overall lack of linguistic/mediation services available in workplaces and a significant number of people developing *ad hoc* linguistic tasks without previous training.

This might create huge imbalances in the access to public services for migrant population, especially if they are LLDs speakers with insufficient skills in other commonly used languages. In this way, our research may be useful not only for a didactic purpose but also to raise awareness of the importance of professionalising and acknowledging the work of linguistic professionals, who are key to guarantee migrants' integration and inclusion and an equalitarian access to public services.

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Translating reproductive, sexual, and parental rights: An exploratory corpus-based analysis of gender-sensitive language in Spanish and Italian versions of CJEU case-law

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Keywords: gender-sensitive language, corpus-based analysis, legal translation, CJEU, discrimination

Abstract

The representation of gender and sexuality in legal discourse has changed over time. In the last few decades, traditional conceptions of social relations have been disrupted by social changes: new needs have arisen and new rights need to be protected. As often has happened down the ages, law and language take time to keep up with social evolution.

This paper is framed within the ongoing interdisciplinary research project "Rights and Prejudice: Linguistic and Legal Implications of Gendered Discourses in Judicial Spaces (GenDJus)" (P2022FNH9B) financed by the Italian Ministry of University and Research (MUR) and the European Union (Next Generation EU funding scheme) (https://gendjus.it/). The project aims at detecting, by means of a corpus-assisted analysis of international, supranational and national judicial texts in Italian, English and Spanish, subtle forms of discrimination (i.e. prejudice, stereotypes and bias) in a specific area where they seem to be more persistent, i.e. sexual, reproductive and parental rights.

This paper will use the Court of Justice of the European Union (CJEU) case-law as a testbed to start exploring if one of the supranational courts that specifically apply non-discrimination law is really immune to prejudice, stereotypes and bias in its discourses and what is the role of legal translation, the main means of disseminating to citizens its texts, in their perpetuation. In the global struggle for equality, it is crucial to raise awareness of the discriminatory power of language and legal translation and the need for them to reflect social change.

In recent years, gender-inclusive (also called gender-neutral, non-sexist, non-gender-specific) legal language has been a much-discussed topic. Many non-sexist legal language campaigns have been launched and numerous guidelines and recommendations for non-discriminatory language in legislative drafting have been published (Pennisi, 2022). Much research has also investigated the role played by translation in overcoming gender discrimination and therefore the important triangulation of gender, language, and translation (Castro Vázquez, 2010). Another strand of research has tried to combine Legal Translation and Gender Studies, an area which still needs to be further explored (Brufau Alvira, 2008). Fewer studies have dealt with the analysis of different language versions of CJEU case-law through a linguistic sexism lens. The aim of this paper is to present an exploratory corpus-based analysis of gender-sensitive language in Spanish and Italian versions of CJEU case-law dealing with reproductive, sexual, and parental rights.

From a methodological point of view, the study is framed within corpus-based translation studies (Baker, 1993) and has been carried out by using a trilingual French-Spanish-Italian corpus of approximately 65 decisions (judgments and orders) delivered by CJEU dealing with reproductive, sexual

and parental rights. After characterizing the CJEU corpus from a lexicometric point of view, a first qualitative analysis has been carried out, yielding interesting and unexpected results. Despite the EU significant efforts and commitments to achieve gender equality and eradicate discrimination, traces of non-inclusive language can be detected in the CJUE decisions.

This paper presents a specific case study, focusing on the non-sexist use of language taking the use of male and female gender in translation as a case in point. Spanish and Italian, but also French (the working language of CJEU), are gender(ed) languages, that is, languages having a grammatical gender system in which the biological sex and the linguistic gender are the same. Therefore, it is interesting to examine whether the gender used in the source language is transferred or not into the target language. To undertake the analysis of this case study, only two decisions have been taken into consideration: the C-490/20 judgment and the C-2/21 order issued by CJEU, focusing on families of two mothers. The small number of decisions under investigation is due to the fact that not many cases regarding these rights have yet been submitted to CJEU. In addition, these two were chosen since they are the only two concerning families composed by two mothers and their female child, thus challenging CJEU case-law translation in contexts where the masculine gender should necessarily be underrepresented.

The analysis turned out to be very interesting and led to some thought-provoking results. Depending on the language and on the sentence/paragraph, translation can turn into a means of propagating or reducing the use of non-gender-inclusive language. Firstly, the case study showed that the indiscriminate use of masculine gender still prevails, especially when providing general examples or quoting legal provisions, thus portraying man as the norm. Secondly, starting from the source language (French), the use of the feminine gender is limited even when clearly referring to women. Thirdly, in few cases, the feminine gender is adopted in translation although there was the masculine one in the source language, which indicates a deliberate choice by CJEU lawyer linguists not to faithfully follow the source text. In this respect, it is worth mentioning that the two target languages do not always behave in the same way: in some cases, Italian texts use the feminine gender and Spanish the masculine one, in others vice versa. However, this preliminary analysis points to a less sexist language used in Spanish texts.

The preliminary results show how a male bias is internalized in legal translation even in cases where there should be no doubt as to the grammatical gender to be used, since the referents are only women. Nevertheless, the specific multilingual and complex framework in which the CJEU texts are drafted should not be neglected when drawing such conclusions.

Without claiming to be exhaustive, the preliminary results of this analysis shed light on the fascinating role played by legal translation in the construction and perpetuation of a non-gender-inclusive language and contribute to underlying the importance of exploring the intersection of Legal Linguistics, Translation Studies, and Gender Studies. This intersection of disciplines can create fruitful exchanges contributing to a more equal world.

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Can a dystopian view save the (legal translation) world?

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Abstract

The risks of not procuring legal translation in a diligent way are wide-ranging and extremely grave. Non-diligent legal translation seriously affects everything from human rights, medical safety, financial assets, and company operations to the very delivery of justice and legal certainty.

Despite this, institutions, law firms, corporations and courts are rushing headlong towards the bright lights of tech hype, without proper regard for potential threats and consequences. These organizations are shedding human expertise pell-mell towards a holy grail of raw machine output to carry out work in every sphere, and are relying on the latter to communicate fundamental messages and meet their access and transparency obligations - a heavy responsibility of which the technology is not currently worthy.

At the same time, it seems that few, if any, dare to contemplate a post-human translation landscape. This paper tests a hypothesis that, as of now, the world should adopt with all possible speed artificial intelligence in tandem with machine translation in all areas regulated by law and for the law itself. By exploring resulting dystopic outcomes, we seek to address exposure and potential subversive action, to bring to light avenues for risk mitigation, and to cherish justice.

In sum, we look backwards from a world where full machine translation becomes the only option. A world in which human skills are no longer on hand to peer into the black box of the algorithm. Where the multilingual interpretation of law is entirely dependent on hermetic tools. Where humans have handed over the richness of their cultural diversity in exchange for a single and faceless linguistic authority.

Legal translators' perception of their own expertise. Results of a survey

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Keywords: legal translation, legal translation expertise, translation process, translator research, translation technologies

Abstract

The paper reports the results of an online survey conducted in May-June 2023 among experienced Polish legal translators (N=101), mostly sworn translators. A deliberate decision was made to use the word *experienced* rather than *expert* and to allow respondents to self-identify as such. The link to the survey was distributed via Polish professional associations and on a Facebook group for translators.

This exploratory survey was based around features of translation expertise, based on literature, and factors contributing to professional development, beyond university education, to learn how legal translators themselves perceived changes in and influences on the way they worked. This idea was an offshoot of my doctoral project, which relates to legal translator training. As a practitioner, I hoped to counterbalance my potential subjectivity in defining signs of expertise observable in trainees' translation processes.

Expertise is a term borrowed from cognitive psychology, defined as "consistently superior performance on a specified set of representative tasks for the domain" (Muñoz Martín, 2014). Due to the similarities between *translation expertise* and *translation competence*, they are sometimes seen as synonymous or expertise is seen as the highest form of competence. Translation expertise is also sometimes described as a "dynamic skillset in a constant state of development throughout the lifespan of the translator" or "utilization of cognitive resources to translate effectively and efficiently" (Angelone & García Marín, 2019). Any discussion of expertise involves other fuzzy notions, like *translation quality* or *expert translator*, or the relationship between expertise and experience, with the former not always resulting from the latter.

Early studies on translation expertise in general found that features of expertise (non-transferable skills, fast performance, longer time spent on qualitative analysis of problems, or strong self-monitoring skills) were not easily applicable to translation. This led to the conclusion that "translation does not become easier" with time, while "experts work harder and more slowly than novices" (Sirén & Hakkarainen, 2002). It is also pointed out that translation problems are ill-defined ones, without well-defined solutions, requiring adaptive expertise. Legal translation is particularly rich in ill-defined problems, caused by partial or non-equivalence of concepts from various legal systems.

The model of translation expertise proposed by Muñoz Martín includes:

- knowledge (larger and better organized knowledge base);
- problem-solving skills (ability to notice problems and solve them at a deeper level, yet faster);
- adaptive psychophysiological traits (habits developed through repeated exposure to stimuli);

- metacognition (self-management, self-monitoring, awareness that one can make mistakes); and
- self-concept (including self-awareness, situation awareness, and self-efficacy).

The research questions were:

1. What factors, according to experienced legal translators, contributed to their professional development?
2. Whether they considered experience in legal translation as help or hindrance in other translation tasks?
3. Whether – compared to their early days in the profession – they now:
    - had more/fewer doubts
    - worked faster/more slowly
    - noticed more/fewer problems
    - relied on earlier solutions or looked for new ones
    - expended more/less effort on revision.

The survey included nineteen questions, with seven Likert scales and eight open questions. The questions were adapted to the particularities of legal translation. Each question about an aspect relating to expertise was followed by an open question where respondents could add more detail to their answers. Around half of respondents completed more than one university programme.

The main quantitative findings point at self-learning being the most important factor boosting professional development, perhaps hinting at deliberate practice, with feedback from revisers contributing the least (not applicable for a quarter of respondents).

Most respondents reported they worked faster, had fewer doubts or difficulties, and relied on tried-and-tested solutions more than in early stages of their careers, though for many the effort expended on self-revision remained the same. Surprisingly, there were no statistically significant differences between answers from translators in different ranges of experience. Most respondents seem to be adaptive experts, not perceiving specialization in legal translation as hampering their ability to translate other texts.

Qualitative answers seem to confirm greater efficiency and satisfaction from work. Many respondents feel that their translation processes have not changed, though there are indications of better organization and greater self-confidence. Other changes in which respondents take pride include:

- deeper text analysis/understanding,
- improved research skills but also more searches, indicative of effortful processing
- greater readiness to add translator's notes,
- better communication with clients.

Many comments in answers to open questions concerned the changes induced by CAT tools and online resources, resulting in translators ditching paper dictionaries, visits to libraries, and holding fewer consultations with experts.

Overall, the results suggest that despite certain common traits, like greater efficiency and improved research skills, expertise can mean different skills for different legal translators. Respondents were not always able to pinpoint changes in their own way of working and some even found the questions irritating. This might point at interviews as a more appropriate method of doing research on this topic.

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Culpa in contrahendo as an autonomous concept of EU law. A legal-linguistic approach

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Keywords: *Culpa in contrahendo*, EU law, Legal translation, Lingua franca, Comparative law

Abstract

Within the European framework, the legislator has effected a *resignification* of some legal terms from their original national or international sense based on specific communicative exigences. This is also the case for the term *culpa in contrahendo*, which has been taken from the German theory of pre-contractual liability and brought to the European sphere. Differently from other terms, the aim was to find a term (in a neutral language) that did not need any translation and could be used in all official versions. Nevertheless, six official versions display a translation, employing a paraphrase, of such a term. The interest of such a study is to deepen the analysis of autonomous concepts of EU law, their role, and their implications on the national sphere of Member States.

This paper will investigate the autonomous concept of *culpa in contrahendo* because it is a term expressed in a language foreign to the official ones, that is, Latin, but at the same time, it involves a very national vision that is not shared within all Member States. In the Rome II Regulation, the term *culpa in contrahendo* is used in all versions, except for the German, Dutch, Swedish, Croatian, Czech, and Slovene ones, where the legislator chose to translate such terms instead of keeping the 'neutral' term *culpa in contrahendo*.

The natural vocation of Latin to foster harmonisation has led this language to vehicle key concepts of modern law (Cornu, 2005, pp. 406–407). *Culpa in contrahendo* constitutes one example of such use: first, Rudolph von Jhering created a theory based on Roman law, which originated within the European States as a debate on the nature of pre-contractual liability, and successively, it has been introduced in European legislation [1].

The introduction of *culpa in contrahendo* within the Rome II Regulation results from a long process in which the Council included such a term. Interestingly, the same Regulation declares that it regards an autonomous concept and is not the result of a judicial process of autonomous interpretation by the ECJ. As Sudre considers, this process of autonomisation goes together with the research of a common standard; consequently, this does not entail a radical separation from national laws (Sudre, 1998).

In this context, it is essential to remember that the law is promulgated in 24 official versions [2]. This peculiarity of the linguistic regime of the European legal order helps preserve equality and transparency within the Member States but simultaneously involves translation issues.

In this context, two questions arise: i) why, and to what extent, did the European legislator include the term *culpa in contrahendo* within Rome II Regulation? ii) What are the implications of such a choice in the national judiciary, specifically in Italy and France?

This paper will develop a legal-linguistic analysis of the term *culpa in contrahendo*. To understand the role that language—and particularly terminology—plays in the law, it is essential to examine this phenomenon from a terminological point of view. Therefore, the present research draws upon corpus linguistics to study legal texts, concentrating on judgments of Italian and French courts. This will allow for a description of how the term has circulated in these two Member States, showing if the linguistic neutrality of the term *culpa in contrahendo* interfered with the national understanding of the theory from Jhering.

The introduction within the Rome II Regulation of *culpa in contrahendo* and its resignification from the German view has brought this legal text to have this expression in eighteen versions out of twenty-four. The first proposal of the Regulation did not include such a term, which was presumably excluded because of the different perspectives on pre-contractual liability within the Member States. Consequently, from the beginning, the same Regulation affirms that *culpa in contrahendo* is an autonomous concept of EU law. For this reason, the case law of the Court of Justice does not concern the strict interpretation of such terms.

This tendency occurs similarly in the national sphere. In the French judiciary, the non-familiarity, or reluctance, of the expression '*culpa in contrahendo*' is clear: only three cases mention this term explicitly. Also, it should be noted that until 2016, when the reform of the Civil Code (*Code Civil*) was introduced, there was no provision in the Civil Code (*Code Civil*) on the principle of good faith for the phase of negotiations: this lack, together with the doctrinal distance from the German discourse on pre-contractual liability, could have also influenced the judiciary. Differently, as mentioned, is the Italian framework. Article 1337 of the Civil Code (Codice Civile) was already in force in 1942; also, the influence of Jhering's theory and the use of Latin could impact the judiciary. For this reason, the Italian Court of Cassation (*Corte di cassazione*), together with the Council of State (*Consiglio di Stato*), often reference the expression *culpa in contrahendo*, as if the concept was a synonym for fault in contracting.

Notes

[1] In particular, under Article 12 of the Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) OJ 199/40.

[2] It is essential to underline that article 55 of the Treaty on the European Union indicates that it has been drawn up in a single original in all twenty-four languages, each of these being equally authentic; as a result, the translated texts are called versions, and not translation of the original English version.

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Traduciendo el derecho en la literatura: análisis y valoración de las traducciones al alemán de los elementos jurídicos en obra literaria de B. Pérez Galdós

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Abstract

En trabajos anteriores (cf. Tabares Plasencia 2023, entre otros), ya se ha destacado que la presencia de elementos jurídicos (terminología, fraseología, convenciones discursivas) es una constante en la literatura española a lo largo de los siglos.

Constituye un ejemplo particular de la integración del componente jurídico en el texto literario el caso de Benito Pérez Galdós, uno de los más novelistas más prolíficos de las letras españolas. El autor canario, conocidísimo no solo dentro de las fronteras españolas, sino también fuera de ellas (remitimos a la numerosa literatura científica que puede consultarse en la Biblioteca Virtual del Instituto Cervantes) [1], incorpora con naturalidad en muchas de sus novelas unidades terminológicas y fraseológicas de diferentes ámbitos jurídicos. Este hecho, aunque, *prima facie*, puede parecer extraño, no lo es tanto si tenemos en cuenta que Galdós abandonó Canarias con 18 años para ir a estudiar derecho en Madrid y, además, se dedicó durante un tiempo a la política activa, llegando a ser diputado en Cortes en dos ocasiones.

Las unidades analizadas hasta el momento se han extraído de un corpus diacrónico de textos literarios españoles (CORLITES) y, más concretamente, del subcorpus CORLIGA (corpus de textos literarios – Galdós) (cf. Tabares Plasencia 2023, entre otros, para la descripción del corpus y el subcorpus), que está constituido por la casi totalidad de las obras literarias del autor.

Esta contribución se centrará en un análisis y una valoración tanto cuantitativa como cualitativa de las soluciones traductológicas que se han ofrecido en las traducciones al alemán de algunos elementos jurídicos contenidos en la obra literaria de Pérez Galdós; traducciones que, paradójicamente, son escasas, a pesar de la ingente producción del autor canario y de su peso específico (máximo exponente del Realismo en España) en la literatura española del siglo XIX y principios de XX [2].

Por la importancia de la obra, la escasez de estudios que hay sobre ella en lo que a los aspectos jurídicos se refiere, y por ser de las pocas que cuenta con traducción en lengua alemana, pondremos el foco en *Fortunata y Jacinta*, considerada una de las obras cumbre del autor. Esta novela, publicada por primera vez en cuatro tomos en 1887 en el marco de las llamadas Novelas españolas contemporáneas, ha sido dos veces traducida al alemán: en 1961 por Kurt Kuhn (traductor igualmente

del *El amigo Manso* (1882) (*Amigo Manso*, 1964, del escritor canario) y en 2022 en la editorial BoD (libro electrónico, Epub); desgraciadamente, en esta publicación, que se presenta como una *Neuübersetzung* (nueva traducción) no aparece el nombre de la persona que ha traducido el texto y han resultado infructuosos los intentos por conocer su identidad.

Por cuestiones de tiempo y también técnicas (la traducción de Kuhn está solo en versión impresa), nos hemos decantado, en esta ocasión, por la traducción más moderna para su análisis. No obstante, en futuros trabajos consideraremos una comparación que tenga en cuenta ambas traducciones.

Para nuestro estudio hemos partido de CORLIGA, procesado y compilado mediante Sketch Engine, y aislado el texto de *Fortunata y Jacinta*, del que hemos obtenido los candidatos a términos jurídicos mediante la función de Lista de palabras, para, seguidamente, con la función Word Sketch, establecer los patrones combinatorios de estos en la obra y las concordancias. Con la finalidad de optimizar el análisis, hemos alineado los textos. De esta manera, hemos podido desentrañar las estrategias traductoras y verificar si y cómo se han trasladado los elementos jurídicos de la novela a la lengua alemana.

Notes

[1] Cf. https://www.cervantesvirtual.com/portales/benito_perez_galdos/bibliografia general.

[2] Véase Zarandona Fernández (Coord.) (2020) en torno a la recepción de la obra galdosiana, por la vía de la traducción, en áreas de diferentes ámbitos lingüísticos (específicamente, pp. 35-64; 65-82 y 151-189).

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Terminology challenges and translation strategies in interpreter-mediated pre-trial hearings in Belgium: Contrasting perceptions with empirical findings from role-played encounters

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Keywords: LI in Belgium, interpreter-mediated pre-trial hearings led by an investigating judge, terminology challenges, terminology needs, translation strategies

Abstract

Most legal interpreters (LIs) have to cope with a power imbalance in legal encounters as they do not necessarily master the specialised knowledge of legal professionals (LPs) on the same advanced level, possibly giving rise to terminological challenges and translation difficulties. Besides, LIs often face unfamiliar (e.g. technical, medical, etc.) terminology due to a lack or total absence of preparation material. Interestingly, terminology-oriented academic research in legal interpreting (LI) seems unprecedented, except for some isolated examples (e.g. Vigier-Moreno 2021). At best, 'terminology' is mentioned only as a subordinate aspect of interpreting quality. Also in the broader field of dialogue interpreting, terminology issues have been investigated marginally (Niska 1998; Valero-Garcés 2005; Pöllabauer 2017).

More importantly, scholarly attention in LI has been mainly centered on (public) court hearings (see e.g. Monteoliva-Garcia 2018). Our research, however, focuses on interpreter-mediated interactions in pre-trial settings led by an investigating judge, which is still largely uncharted territory in LI. Ultimately, our aim is to fill two existing gaps, by combining (1) terminology challenges and needs in (2) interpreter-mediated pre-trial encounters. We compared data of how terminology challenges and needs are perceived by both LPs and LIs, with empirical research on solution strategies applied by LIs for translating terminology. Role-played encounters (in this case, simulated pre-trial scenarios) allow us to systematically develop and assess such solution strategies for translating terminology, while focusing on 'preparation' and 'use of technology' as influential variables.

The research questions addressed in this study, are threefold: 1) What are the terminology challenges and needs for legal interpreters during interpreter-mediated pre-trial hearings led by an investigating

judge? 2) What are investigating judges' perceptions towards legal interpreters as for meeting terminology needs in pre-trial settings and vice versa? 3) What are effective solution strategies for legal interpreters to enhance their terminological competence in pre-trial settings?

In our contribution, we want to present our mixed-methods research design, comprising semi-structured interviews with LPs and LIs as well as observations of interpreter-mediated pre-trial encounters. In 2023, we had the opportunity to interview six investigating judges and eight LIs, all of them having their professional activities in Belgium. From December 2023 until February 2024, twelve role-played interpreter-mediated pre-trial hearings (language combinations: Dutch-French and Dutch-Italian) were video-recorded and transcribed, based on prior observations of eleven authentic interpreter-mediated pre-trial hearings in Antwerp in late 2022 and early 2023.

At this moment, we are in the midst of analysing key data obtained from the interviews with LPs and LIs, and role-played encounters. Both components are equally essential for a comprehensive and in-depth analysis. As for the interviews, nearly all investigating judges acknowledged that legal interpreters generally do not receive any kind of preparatory information, while clearly underlining the importance of terminological accuracy and consistency. Legal interpreters, in turn, attested the current practice of not receiving prior pre-trial hearing information, occasionally leading to ad-hoc terminology challenges and thus potentially impacting interpreting quality – and all its implications on legal certainty.

However, conclusive findings resulting from all aforementioned research components (including the role-played encounters) will be formulated and discussed at the time of the conference. In conclusion, the main outcomes of this study will prove to offer valuable information for indicating existing shortcomings for meeting terminology needs in pre-trial settings – not only in the form of policy recommendations for the Belgian judiciary, but also for LI education purposes in general.

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L’italiano nei territori dei comuni nazionalmente misti della Slovenia

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Keywords: Comunità Nazionale Italiana, statuti comunali, traduzione giuridica, testi giuridico-amministrativi, bilinguismo

Abstract

La Repubblica di Slovenia (di seguito: RS) tutela e garantisce costituzionalmente i diritti di due Comunità Nazionali autoctone, quella italiana e quella ungherese. La Comunità Nazionale Italiana (di seguito: CNI) risiede in Istria, nel territorio nazionalmente misto costituito dai Comuni di Pirano (*Piran*), Isola (*Izola*), Capodistria (*Koper*) e Ancarano (*Ankaran*). In base all’Art. 11 della Costituzione, la lingua ufficiale della RS è lo sloveno, e nei territori dei comuni nei quali vivono le due Comunità Nazionali la lingua ufficiale è, rispettivamente, anche l’italiano o l’ungherese. Lo status dell’italiano e dell’ungherese come lingue ufficiali, soprattutto in ambito amministrativo e per quel che concerne i rapporti con l’apparato statale, è disciplinato dalla Legge sull’amministrazione statale [1] (*Zakon o državni upravi (ZDU-1*)), dalla Legge sul procedimento amministrativo generale (*Zakon o splošnem upravnem postopku (ZUP*)), dalla Legge sull’uso pubblico dello sloveno (*Zakon o javni rabi slovenščine (ZJRS)*) e da altre leggi e disposizioni.

Lo scopo principale dello studio che sarà condotto nell’ambito del dottorato di ricerca in Traduttologia presso l’Università di Lubiana è quello di esaminare, dal punto di vista della terminologia giuridico-amministrativa, la traduzione in italiano degli statuti in vigore nei Comuni di Pirano, Isola, Capodistria e Ancarano. Inoltre, sarà obiettivo della ricerca individuare le differenze a livello grammaticale tra le traduzioni degli statuti presi in analisi, soprattutto per quel che concerne le strutture tipiche dei testi giuridico-amministrativi italiani redatti per i cittadini della Repubblica Italiana (tra questi è possibile citare la forma impersonale, l’utilizzo della forma attiva e di quella passiva nonché l’uso della nominalizzazione). La ricerca sarà infine volta a rilevare le differenze grammaticali tra gli statuti tradotti in italiano per le esigenze dei cittadini appartenenti alla CNI in Slovenia e quelli redatti in italiano e in vigore nei comuni dell’Italia (ad es., lo Statuto del Comune di Trieste).

Attualmente, le traduzioni in italiano degli statuti dei comuni costieri sloveni riportano differenze significative a livello terminologico (Paolucci, Lenassi 2021). Ne consegue che ciò comporta grandi difficoltà per il lavoro dei traduttori, e in generale per tutto l’apparato comunale. Oltretutto, tali differenze terminologiche si ripercuotono anche sul lavoro dei giornalisti dei programmi italiani della Radiotelevisione Slovenia con sede a Capodistria, il che contribuisce a generare perplessità e confusione tra i cittadini appartenenti alla CNI.

La traduzione di testi giuridico-amministrativi da una lingua all’altra è un processo complesso, soprattutto quando la traduzione avviene tra due sistemi giuridici differenti. Nel caso dei comuni nazionalmente misti nei quali risiede la CNI, la questione diventa ancora più interessante, in quanto è necessario considerare che la traduzione è destinata a cittadini che, oltre allo sloveno, parlano anche l’italiano, ma che non sono soggetti alla legislazione della Repubblica Italiana, bensì a quella della RS. È quindi importante considerare che i due sistemi giuridici non sempre corrispondono, e che anzi

presentano particolarità che non è sempre possibile riportare nell'altra lingua. Anche a tale scopo, in seno alla Comunità Autogestita Costiera della Nazionalità Italiana (CAN Costiera), ente rappresentativo della CNI nei confronti del Governo della RS, è stato istituto il "Gruppo di lavoro per la standardizzazione della terminologia italiana nelle aree bilingui della Slovenia", al fine di uniformare la terminologia giuridico-amministrativa in italiano in uso nelle amministrazioni pubbliche dei quattro comuni e redigere un glossario liberamente accessibile al pubblico.

Nell'ambito della ricerca condotta ai fini del dottorato, è possibile avanzare due ipotesi. Si ipotizza che i quattro statuti oggetto di analisi si differenziano soprattutto per la traduzione di quei termini che, nel sistema giuridico italiano, non trovano un'equivalenza sostanziale e formale (Paolucci 2021, 25). Si ipotizza quindi che, in assenza di un termine equivalente, sia dal punto di vista sostanziale sia formale, i traduttori dei singoli comuni abbiano impiegato diverse soluzioni traduttive, in base alle conoscenze e agli strumenti a loro disposizione. A livello grammaticale, invece, si ipotizza che le traduzioni in italiano degli statuti seguano fedelmente le strutture grammaticali dei testi di partenza in sloveno, che però non sempre sono in linea con le convenzioni dei testi giuridico-amministrativi redatti e in vigore nei comuni dell'Italia.

Lo studio che sarà condotto nell'ambito del dottorato di ricerca prevederà un'attenta analisi degli statuti dei quattro comuni costieri, prestando particolare attenzione alle differenze che riguardano la traduzione di termini giuridico-amministrativi. Si cercherà inoltre di individuare eventuali differenze nell'utilizzo delle strutture grammaticali tipiche del linguaggio giuridico-amministrativo. I risultati saranno poi messi a confronto con alcuni Statuti comunali in vigore in Italia. La ricerca seguirà anche il lavoro del "Gruppo di lavoro per la standardizzazione della terminologia italiana nelle aree bilingui della Slovenia", che dal 2023 svolge un lavoro di standardizzazione della terminologia giuridico-amministrativa utilizzata nei comuni nazionalmente misti del Litorale.

I risultati della ricerca contribuiranno allo studio della traduzione degli atti giuridici comunali sloveni in italiano, soprattutto dal punto di vista terminologico e grammaticale. I risultati contribuiranno, inoltre, allo studio delle traduzioni di testi giuridico-amministrativi redatti nella lingua di una Comunità Nazionale (o di una minoranza) all'interno di un determinato sistema giuridico. In questo modo, la ricerca contribuirà allo studio di fenomeni europei e globali simili e correlati.

Notes

[1] In Slovenia, fatta eccezione per la Costituzione, non è prevista la traduzione ufficiale in italiano o in ungherese delle singole leggi, nemmeno di quelle che contengono articoli a tutela delle due Comunità Nazionali. Pertanto, i titoli delle leggi citate nel presente *abstract* sono da considerarsi come puramente indicativi.

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Cómo desambiguar lo indeterminado: sobre la vaguedad y ambigüedad terminológica en la traducción de textos normativos del chino al español. Problemas y estrategias

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Keywords: terminología jurídica, traducción jurídica, ambigüedad semántica, vaguedad, lenguaje jurídico chino

Abstract

El lenguaje jurídico es, por definición, indeterminado o impreciso. Dos de sus principales manifestaciones son la ambigüedad y la vaguedad. Ambos fenómenos contribuyen a que el lenguaje jurídico sea tachado de oscuro e impreciso (Hart 1953; Ross 1958; Guastini 2015; Ross y Ross 2000; Cao 2004, 2006, 2008) y representan un obstáculo para la comunicación, además de un reto para el traductor. Si bien, no podemos obviar que, como todo lenguaje de especialidad, está anclado en el lenguaje general que le sirve de base, por lo que es lógico que presente los mismos problemas. Además, dicha naturaleza imprecisa se incrementa en los textos normativos chinos, debido al empleo de un idioma que, ya de por sí, es esencialmente vago y ambiguo (Cao 2004, 2007). Y a un tipo de género textual como el legislativo que, con frecuencia, se reviste de indeterminación, en el sentido de que permite una "textura abierta" (Hart 1995), que se erige como elemento dinámico de las normas jurídicas, frente al elemento estático con que lo dotan los conceptos determinados. Ello es lo que, en suma, proporciona flexibilidad o ductilidad a las normas y las hace moldeables, para poder abrazar todos los casos imprevistos o posibles.

Este estudio forma parte de un trabajo de investigación que se está realizando con la finalidad de establecer las bases necesarias para elaborar un diccionario jurídico chino-español. Con este objetivo, y dado que no existe ningún corpus jurídico cuya traducción al español sea oficial o, al menos, fiable, hemos empezado por traducir al español diversas leyes de la República Popular China, pertenecientes a distintas ramas, géneros y dominios del derecho. Este proceso de traducción nos ha permitido detectar cuáles son las necesidades terminológicas más importantes que debería cubrir un diccionario jurídico chino-español que pretenda ser útil a personas interesadas en la traducción jurídica en dicha combinación lingüística. En este estudio, nos vamos a centrar, concretamente, en la imprecisión semántica. Así, conceptuaremos y deslindaremos dicha figura a través del análisis de varias unidades terminológicas problemáticas desde el punto de vista de la traducción, a causa de su indeterminación. De esta manera, distinguiremos, por un lado, *conceptos vagos*, es decir, aquellos conceptos jurídicos que poseen núcleos de significado claro, junto a zonas de penumbra, en las que existen dudas acerca de su aplicación: cuanta más zona de penumbra tenga un término, más vago será. Y, dentro de estos, a modo de *continuum*, introduciremos los *conceptos vacíos*. Por otro lado veremos los *conceptos ambiguos*, que son aquellos que tienen diversos significados. Y, dentro de estos últimos, diferenciaremos según sean *multívocos* o *equívocos*, recordando el carácter ambivalente que presentan, pues tanto pueden darse en ambas lenguas —original y meta— como solo en una de ellas.

Este trabajo se fundamenta en el marco de la teoría comunicativa de la terminología (Cabré 1999), de modo que analiza los términos *in vivo*, de acuerdo con criterios lingüísticos, comunicativos y cognitivos. Así, observaremos los diversos significados, conforme a la traducción propuesta, acordes con esta triple clasificación que acabamos de mencionar, de manera contextualizada, desde el nivel micro al macro. Dicho análisis, que será cognitivo, nos permitirá en primer lugar determinar las causas que provocan la indeterminación de los términos, atendiendo a su carácter, según sean vacíos, vagos o ambiguos. Para ello, partiremos del estudio individualizado de los morfemas formantes de cada unidad terminológica, monolexicalizada o plurilexicalizada, y observaremos cuál es la función que ejercen en dicha unidad, con especial atención a la que encierre el nodo conceptual. Dicho punto es especialmente relevante, dado que si sabemos las causas de la indeterminación, podremos identificarlas en un texto, con lo que facilitaremos la elección del término equivalente más adecuado. Y en segundo lugar, el análisis nos brindará elementos para aprender a diferenciar entre términos vacíos, vagos y ambiguos en contexto, y permitirá apuntar algunas estrategias para reconocerlos y desambiguarlos de la manera más precisa.

Finalmente, entre las aportaciones que ofrece este estudio y que abarcan diversos aspectos, subrayaremos la novedad de introducir, junto a los conceptos vagos y abstractos, la existencia de conceptos vacíos en la terminología jurídica china, con características identitarias propias. Así como la concreción de las causas que provocan la indeterminación, lo que será útil para poderlas reconocer en contexto y, a su vez, facilitará saber escoger el término más preciso. Además, debe añadirse el hecho de que este tema no ha sido tratado con anterioridad por la escasa literatura que analiza las particularidades que presenta el idioma chino en su traducción al español. Con este estudio ofreceremos un esquema final claro y comprensivo de los supuestos de indeterminación que se presentan, así como de posibles estrategias de desambiguación.

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Translation problems in texts stemming from criminal proceedings. A case-study of Spanish court orders establishing remand on bail

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Keywords: criminal court translation, translation problem, grounded theory, *auto de libertad*, pre-translation analysis

Abstract

European Union legislation, as well as the national legislation resulting from its transposition, has thrown a spotlight on translation in criminal courts, since it has made it mandatory for the authorities to provide any person who is involved in criminal proceedings and does not speak the language used in court with the translation of essential documents pertaining to such proceedings into a language that they understand. These essential documents comprise judgments, charges or indictments, and any decision that entails depriving a person of their liberty. Nevertheless, research on the translation of criminal court documents has been relatively scarce, in comparison to that conducted on texts related to Civil or Commercial Law, and very uneven in terms of the text genres examined: whereas numerous studies have focused on judgments (e.g. Pontrandolfo, 2011), only few contributions have dealt with documents produced in the course of pre-trial proceedings (e.g. Vigier-Moreno, 2020). As reported by Borja (2013), this may be attributable to the difficulties in accessing documents produced in criminal courts, which are usually only accessible to the parties to the proceedings.

This contribution follows a previous study conducted by the authors (Ortega-Herráez & Vigier-Moreno, 2023) within a greater project (Calvo and De la Cova, 2023) which purported to approach the elusive construct of *translation problem* on the basis of functionalist and prospective source-text, pre-translation analysis as a means of establishing effective frameworks for decision-making. In an attempt to stereotype and profile specific problems encountered in court translation, a first categorisation of the notion of translation problem was put forward after analysing a corpus of Spanish *autos de prisión provisional* (i.e. remand in custody orders). These documents contain the interlocutory decision made by an investigative judge of remanding in pre-trial custody an alleged offender involved in preliminary criminal proceedings, thus falling under the aforementioned label of essential documents.

This categorisation took into consideration some fundamental elements. Firstly, the service was identified, to wit, the translation of documents for the benefit of people who are involved in criminal court proceedings (mainly as defendants) and do not speak the language used by justice administrators, which is seen as a means of safeguarding core elements of procedural rights and due course of justice, such as the right to self-defence. Secondly, the target-text skopos was also considered, inasmuch as the translation of such court documents is required so that the recipient can understand them and fully participate in court proceedings on an equal footing. Thirdly, the role of the court translator was also

examined, with the authors arguing for a more proactive role as a cultural broker and communication coordinator rather than as the frequently expected role of a mere conduit of information.

Following the three stages established by grounded theory postulates (i.e. open coding, selective coding and axial coding), the authors proposed a conceptualisation of translation problem in court translation that is comprised of three (macro)categories: a) terminological elements, which include units linked to the source-language legal system that are so unique that lack direct equivalence in the target language and therefore force the translator to apply the translation technique that best fits the purpose of the target text and the communicative situation; b) stylistic elements, which include units related to writing and phrasing that force the translator to decide how to best present the content in the target text; and c) elements requiring explicitation, which include units involving implicit information in the source text and errors or ambiguities present in the source text that require explicitation or clarification in the target text for the benefit of comprehension.

This new proposal tackles the problems encountered in the translation of another genre produced in the course of pre-trial criminal proceedings in Spain, namely *autos de libertad provisional* (i.e. court orders establishing remand on bail), with problems being understood, once more, as elements which are highly dependent on the context and constitute or may potentially constitute a decision-making dilemma due to the different translation options available for the translator. Following the same methodological approach, the application of the authors' previous categorisation to the analysis of this new specific genre has a twofold aim of validating the construct as well as enhancing the development of a more solid and universal conceptualisation of court translation problems (when translations are required for the benefit of defendants), which can be subsequently interesting for both professional practice and training purposes.

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Research for thematic competence vs. research for terminological competence for legal translators

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Keywords: research skills, legal translation, online sources, thematic competence, terminological competence

Abstract

Nowadays, a variety of online training sources and materials that are useful for both monolingual specialisation and text comprehension and bilingual terminology extraction are available for both professional translators and trainers. In the legal field, studies tend to include/focus on describing sources and evaluating their quality (Cardos Murillo & Herrero Sanz, 2019), analysing tendencies and perceptions regarding the use of sources (Prieto Ramos, 2021) or describing the most representative sources available, such as, for example, for the English-Spanish language pair (Huertas Barros & Buendia Castro, 2017).

Moreover, translating and interpreting in the legal field requires the use of comparative research approaches (Bestué Salinas, 2019; Vitalaru, 2023) due to translation problems that occur as a result of asymmetries between legal systems and concepts.

Therefore, translating legal texts and interpreting in legal situations involves the acquisition of previous conceptual and contextual knowledge and comprehension of the legal systems and situations involved before making 'informed' translation decisions. This requires developing efficient research/information mining skills and, in turn, the use of adequate sources depending on the needs and objectives of each step taken in the translation process. Moreover, we claim that not only the training tasks but also each information mining task must have a clear and specific purpose (e.g., additional help for text or concept comprehension, specialisation in language use, finding contextual examples, finding translation options, etc.). That specific purpose affects the type of sources that the translator should consult at that particular stage of the information mining process (monolingual or bilingual source, thematic or terminological source, etc.).

To show the usefulness of distinguishing between different purposes during the translation process, our study has two objectives. First, to determine what training/specialisation sources are currently available for the legal field within Public Service Interpreting and Translation (PSIT) in Spain, Romania, and UK (related to foreigners' documentation and rights, asylum seeking, police settings, and criminal proceedings). Second, to propose a classification of sources that the translator and interpreter of PSIT legal (con)texts in the Spanish-English-Romanian language pairs can use for two main purposes: one the one hand, for the development of the thematic competence and, on the other hand, for gathering existing translation options and developing terminological competence.

The method used to gather data is the collection of sources considered relevant for T&I training and inclusion in a specific database. The collection was made based on two strategies. First, we selected sources from the database created for the DIALOGOS project, an Erasmus+ project focusing on

"Communication in public service interpreting and translation with languages of lesser diffusion". Second, we intentionally explored potentially relevant websites and selected representative sources for the legal field within PSIT in Spain, Romania, and UK.

Moreover, to analyse and show the characteristics that makes those sources suitable for the intended purposes, we classified them in two categories depending on the competence they help develop: thematic competence (websites, laws, guides for users, videos, concept maps and diagrams, etc.) and terminological competence (specialised dictionaries & glossaries, terminological databases, translated laws, translated information, other tools). We focused specifically on Spanish, English, and Romanian sources.

We obtained a database of 30 sources in each language, which are organised by language, competence, and type of source. The database also includes a brief description of contents and topics found in each source, and observations for T&I. As regards the sources available in each language and in the different language combinations proposed, although a variety of monolingual sources can be used for acquiring thematic competence in the three languages referred, the number of sources that translators can use for bilingual terminological purposes is lower in the Romanian-Spanish combination than in the English-Spanish combination.

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International judicial language and terminology for translators and interpreters

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Abstract

Although judicial cooperation in Europe has been a recurrent subject in the legal field, little research has been done considering the translators and interpreters' thematic comprehension needs (Ontanu & Pannebakker, 2012; Ross & Magris, 2017). This type of research is necessary, especially in language combinations that have very few bilingual specialised information mining/research tools such as the Spanish-Romanian combination, but that use English as an intermediate language.

Moreover, international judicial cooperation is characterised by certain peculiarities such as the use of a European legal language (Balaguer Callejón, 2008), the introduction of legal terminology that is specific to national legal systems into European law (Jopek-Bosiacka, 2013), and the introduction of European legal terminology into national law (Biel & Dozcekalska, 2020).

Lastly, to facilitate judicial cooperation, several institutions such as Europol, Interpol, Eurojust, United Nations on Drugs and Crime provide some translated materials (forms, information, or reports) in several European languages, which could be used to train translators and interpreters or for translators and interpreters' thematic and terminological specialisation.

This context helps us underline the potential that already-existing materials (both parallel documents and monolingual sources) have to develop hands-on research sources adapted for translators and interpreters of the English-Romanian-Spanish linguistic combination.

Therefore, this proposal starts from translators and interpreters' need to develop or shape their thematic and bilingual terminological competences and has two specific objectives: to identify and define the most frequent and/or representative terminology and phraseology in international judicial cooperation contexts and to propose specialisation through a selection of concepts.

Two methods were used to collect data: the manual and automatic terminology extraction of a corpus of judicial cooperation texts and the selection of specific concepts from legal instruments and reports that contain information regarding cooperation procedures, types of crimes or concepts that must be considered by the institutions involved (and, in our case, by translators and interpreters). The specific results consist of a database that includes a) a set of concepts with their terminological use in English, Spanish, and Romanian, definitions and contextual information and b) phraseology with specific

collocations for the three languages. Our results also include observations regarding terminological differences and comparisons. The database can be used for training purposes and as a basis for further research that focuses on linguistic and terminological analysis.

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Mixed jurisdictions as a source of civil-law English terminology (CIVLET) for Spanish-English legal translation: A functionalist take on a hot debate

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Keywords: legal translation, comparative law, mixed jurisdictions, functionalism, civil law English terminology

Abstract

Spanish-English legal translation is usually depicted as a complex task requiring interlinguistic transposition (i.e., between different languages: Spanish and English) but also intersystemic transposition (i.e., between two legal systems pertaining to two different legal traditions: civil law and common law). Standard translation practice has it that translating legal texts from Spanish into English is translating the civil law with the common law. Many of the advocates of this practice not only prefer the language of the common law when translating into English, but also consider that that is the only admissible course of action. This approach, however, neglects the relevance of the language of the civil law developed in English in mixed jurisdictions combining civil law and common law elements, which has become known with the label of "civil-law English terminology" or its acronym "CIVLET" (Moréteau, 2022).

Exploring the suitability of the use of CIVLET in legal translation requires a two-pronged approach encompassing translation theory and comparative law. Translation theory helps to identify the reasons why certain solutions, strategies, and techniques are justified in a given translation assignment. This study draws on functionalism as a thorough translation theory which helps to account for the use of CIVLET. Functionalism as a translation theory must not be confused with functionalism in comparative law (Biel, 2024, p. 106). As to comparative law, CIVLET will be placed in the larger context of mixed jurisdictions, in which the civil law has been expressed in English for many years. The analysis includes the origin of CIVLET in these jurisdictions mainly through translations of civil codes from jurisdictions expressing their civil law in Romance languages such French, Spanish, or Portuguese. That analysis is followed by an explanation of how CIVLET plays a key role in modern mixed jurisdictions and the tensions which result from its use.

Some studies have already been done to explore Louisiana (Moréteau, 2022), mainly, and Quebec (Kusik, 2018), secondly, as sources of terminology for legal translations into English. Some even believe that CIVLET is the only way to go and, in that vein, Louisiana's CIVLET should occupy a preeminent place when choosing civil-law terminology for into-English legal translation (Levasseur & Feliú, 2009). Other mixed jurisdictions with a civil-law heritage, like Scotland, South Africa, Puerto Rico, the Philippines, or Goa, have gone unnoticed for these purposes. The use of civil-law English terminology has even stirred turmoil among legal practitioners looking for translations that accommodate to common-law English readers (Mackaay, 2005).

The main research question is whether or not the use of CIVLET is a sound approach when translating legal materials from Spanish into English. Two research subquestions follow. First, if CIVLET is a sound

approach, in what instances would CIVLET be preferable over the common-law English terminology (COMLET)? Second, is functionalism, from a translation-theory point of view, a good approach to finding an answer to these issues?

The method used by this study to answer the research questions and subquestions is doctrinal, with examples in Spanish and English taken from real-life texts. The literature discussing the possibility of using CIVLET is discussed, confronting the advocates for and against such an approach. The advantages and disadvantages of using this terminology are clearly stated.

This study makes the case for CIVLET in specific communicative situations, proposing a classification of types of texts and communicative situations where CIVLET is a good tool for the legal translator. The key to understanding the possibilities for the use of this terminology in legal translation is functionalism: the purpose (*skopos*) and context of certain communicative situations allow and call for the use of CIVLET. At the same time, the approach adopted in the study will consider the big picture of the language of the civil law, i.e., the discussion will cover jurisdictions other than, but including, the usual suspects, Louisiana and Quebec.

In a nutshell, the claim is that there is no right-or-wrong approach *a priori* in connection with using CIVLET or COMLET when translating from Spanish into English. The instances for using CIVLET in legal translation require analyzing CIVLET's possibilities in specific communicative situations, not in the abstract. In any case, based on the example of Spanish-English translation, CIVLET is portrayed as an effective tool that any into-English legal translator should have command of, to then decide whether or not to use it and in which instances to do so.

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Translation policy concepts in the context of criminal proceedings: A (re-) orientation towards public policy

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Keywords: translation policy, criminal proceedings, fair trial, court interpreting, human rights

Abstract

Providing translation and interpreting services for foreign language speaking persons before court or in police investigations is a fundamental human rights guarantee enshrined in the right to a fair trial and resulting legal provisions on different levels (Art. 6 ECHR, Art. 14 ICCPR, EU Directive 2010/64/EU etc.). The realization of this right within the given legal framework is influenced by numerous different factors and can be studied from various perspectives, including legal or translation studies. In this regard, research based on translation policy concepts is one potential approach to studying translatorial phenomena and the organization of translation and interpreting services in institutional and legal contexts such as criminal proceedings. The notion of translation policy has been discussed with varying definitions in translation studies for several decades, gaining momentum during the past 10-15 years. However, the prevailing conceptualization of translation policy in recent academic works, namely the tripartite model encompassing translation management, practice, and beliefs (González Núñez 2016), shows its weaknesses in public policy-related contexts. In the light of the embeddedness of translation policies within superordinate public policy areas (Hlavac et al. 2018), the present paper uses the context of criminal proceedings in Austria and its relevant institutions as an illustrative example for presenting a (re-)orientation towards established public policy concepts, such as the policy-cycle (cf. Gazzola 2023 on language policy as public policy). The conceptual and theoretical considerations presented in this paper are based on the results of a qualitative document and interview study conducted within the context of Austrian criminal proceedings. The empirical material of the study includes legislative, parliamentary, ministerial, and other policy-relevant documents as well as interviews with relevant actors such as interpreters, judges, police officers, and representatives of the involved ministries, agencies, and associations. Selected preliminary results of the analysis of the material will be presented with the aim of illustrating the rationale behind the (re-)conceptualization of translation policy in public policy contexts. Initially, a reference to the German equivalent of policy research, *Politikfeldforschung* (Döhler 2015; Loer 2015) is made, as its theoretical framework not only provides the analytical tools for policy analysis, but also for defining the criteria of policy fields as such. This can be highly relevant in identifying the status of translation policy within public policy areas, a first step which is often ignored in translation policy research, unreflectively assuming that such a thing as a translation policy exists. The paper then moves on to laying out the dynamic features and dimensions of translation policy that necessitate a cyclical rather than a static approach. Furthermore, establishing a policy cycle model for public translation policy research not only allows for a differentiation of policy results, namely into outputs, outcomes, and impact, but also for a connection of the respective categories to established concepts from translation studies research, especially with regard to policy monitoring and evaluation. As the latter is crucial in policy research and practice, but highly

underrepresented in translation policy research, it deserves special attention. Finding suitable frameworks and approaches for translation policy monitoring and evaluation, taking into account the entanglement in superordinate policy areas, is an important step in assessing and improving policies. Moreover, it is a helpful step in (re-)defining the aims and objectives of policies. By integrating the dimensions of the above-mentioned tripartite model into established policy research conceptualizations, in this case the policy cycle model, the paper aims at developing a more comprehensive and elaborate translation policy model, broadening the scope of the concept, and capturing the dynamic and processual nature of policy development, implementation, and evaluation.

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