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Interpreting services — Legal interpreting — Requirements

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Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular the different approval criteria needed for the different types of ISO documents should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2. www.iso.org/directives.

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For an explanation on the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the WTO principles in the Technical Barriers to Trade (TBT) see the following URL: Foreword — Supplementary information.

The committee responsible for this document is ISO/TC 37, *Terminology and other language and content resources*, Subcommittee SC 5, *Translation, interpreting and related technology*.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

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Introduction

This document was developed in response to a worldwide and growing need to accommodate the interpreting needs of persons deprived of liberty, suspects, accused, defendants, plaintiffs, claimants, complainants, witnesses, victims, parties in different legal settings during spoken and signed communication as well as judicial stakeholders such as judges, lawyers, prosecutors, police officers, court administrative staff, notaries as well as private persons requiring interpreting services during communicative events related to the law.

The right to legal interpreting services has been enshrined in several international documents (see Annex A). Legal interpreting needs to be of a sufficiently high quality to ensure equal access to justice to all persons as well as fair trials.

Legal interpreting has become established as interpreting services provided by professional interpreters. There are various codes and standards (protocols) for specific settings (e.g. for the police or in court) but they vary from country to country, and there are no universally agreed rules or standards for the provision of legal interpreting services.

NOTE For the purposes of this document, a professional legal interpreter is an individual that meets the requirements of Clause 5.

Legal interpreting is distinct from legal translation and involves the communication of spoken or signed messages in real time.

Standards of legal interpreting training and practice vary widely, and are subject to change with remarkable fluidity. In practice, current trends in several countries go in the direction of de-professionalism due to shortage of financial means, absence of specialized training and lack of awareness of the risks of using non-professional legal interpreters.

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Interpreting services — Legal interpreting — Requirements

1 Scope

This document establishes the basic principles and practices of legal interpreting services, and specifies the competences of legal interpreters. It also describes the various legal settings and provides recommendations for the corresponding interpreting modes.

It is applicable to all parties involved in facilitating communication between users of legal services using a spoken or signed language.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO 20108, *Simultaneous interpreting — Quality and transmission of sound and image input — Requirements*

ISO 20109, *Simultaneous interpreting — Equipment — Requirements*

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

— ISO Online browsing platform: available at http://www.iso.org/obp

— IEC Electropedia: available at http://www.electropedia.org/

3.1 Terms related to interpreting — Modes of interpreting and persons involved

3.1.1
interpret
render spoken or signed information from a *source language* (3.2.5) to a *target language* (3.2.7) in spoken or signed form, conveying both the register and meaning of the *source language content* (3.2.6)

[SOURCE: ISO 18841:2018, 3.1.1, modified - "in oral or signed form" is replaced with "in spoken or signed form".]

3.1.2
interpreting
interpretation
rendering of spoken or signed information from a *source language* (3.2.5) to a *target language* (3.2.7) in spoken or signed form, conveying both the register and meaning of the *source language content* (3.2.6)

[SOURCE: ISO 18841:2018, 3.1.2, modified - "in oral or signed form" is replaced with "in spoken or signed form".]

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3.1.3
legal interpreting
interpreting (3.1.2) at *communicative settings* (3.1.23) related to the law

[SOURCE: ISO 18841:2018, 3.3.4]

3.1.4
interpreter
person who *interprets* (3.1.1)

[SOURCE: ISO 18841:2018, 3.1.3]

3.1.5
legal interpreter
interpreter (3.1.4) who is qualified to provide *legal interpreting* (3.1.3) services

Note 1 to entry: Legal interpreters can be required to be authorized by law.

3.1.6
translate
render *source language content* (3.2.6) into *target language content* (3.2.8) in written form

[SOURCE: ISO 17100:2015, 2.1.1]

3.1.7
translation
rendering *source language content* (3.2.6) into *target language content* (3.2.8) in written form

[SOURCE: ISO 17100:2015, 2.1.2, modified - “set of processes to render” replaced with “rendering”.]

3.1.8
translation output
result of *translation* (3.1.7)

3.1.9
translator
person who *translates* (3.1.6)

[SOURCE: ISO 17100:2015, 2.4.4]

3.1.10
legal translator
translator (3.1.9) who is qualified to provide *translation* (3.1.7) services related to the law

Note 1 to entry: Legal translators can be required to be authorized by law.

3.1.11
speaker
person addressing others, using either *spoken language* (3.2.3) or *sign language* (3.2.2)

[SOURCE: ISO 18841:2018, 3.1.7]

3.1.12
spoken language interpreting
interpreting (3.1.2) between two *spoken languages* (3.2.3)

[SOURCE: ISO 18841:2018, 3.1.8]

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3.1.13
sign language interpreting
signed language interpreting
interpreting (3.1.2) between two *sign languages* (3.2.2) or between a *sign language* (3.2.2) and a *spoken language* (3.2.3)

[SOURCE: ISO 18841:2018, 3.1.9]

3.1.14
mode
established method for the delivery of *spoken language interpreting* (3.1.12) or *sign language interpreting* (3.1.13)

[SOURCE: ISO 18841:2018, 3.1.11]

3.1.15
consecutive interpreting
mode (3.1.14) of *interpreting* (3.1.2) performed after the *speaker* (3.1.11) pauses

Note 1 to entry: *Interpreters* (3.1.4) can use special *note-taking* (3.1.19) techniques to help in rendering lengthy passages.

[SOURCE: ISO 18841:2018, 3.1.12]

3.1.16
simultaneous interpreting
mode (3.1.14) of *interpreting* (3.1.2) performed while a *speaker* (3.1.11) is still speaking or signing

[SOURCE: ISO 18841:2018, 3.1.13]

3.1.17
chuchotage
whispered interpreting
simultaneous interpreting (3.1.16) where the *interpreter* (3.1.4) speaks very quietly

Note 1 to entry: Chuchotage/whispered interpreting is used for smaller audiences of one, two or a maximum of three persons.

[SOURCE: ISO 18841:2018, 3.1.16, modified - Definition and Note 1 entry slightly reworded.]

3.1.18
sight translation
rendering written *source language content* (3.2.6) to the *target language* (3.2.7), in the form of *spoken language* (3.2.3) or *sign language* (3.2.2)

[SOURCE: ISO 18841:2018, 3.1.14]

3.1.19
note-taking
technique in *consecutive interpreting* (3.1.15) used by *interpreters* (3.1.4) for remembering, conceptualizing and summarizing information

Note 1 to entry: Note-taking is highly individual and can involve a mixture of symbols, abbreviations, words and diagrams.

[SOURCE: ISO 18841:2018, 3.1.15]

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3.1.20
distance interpreting
remote interpreting
interpreting (3.1.2) of a *speaker* (3.1.11) in a different location from that of the *interpreter* (3.1.4), enabled by information and communications technology

[SOURCE: ISO 18841:2018, 3.1.10]

3.1.21
relay interpreting
interpreting (3.1.2) that occurs when an *interpreter's* (3.1.4) input comes from another interpreter's rendition and not directly from the *speaker* (3.1.11)

Note 1 to entry: When a speech, spoken or signed, is to be *interpreted* (3.1.1) into three or more *target languages* (3.2.7) and the interpreters of those languages do not all understand the language of the speaker (e.g. Urdu), a *source language* (3.2.5) interpreter renders the speech to a language common to other interpreters at the event (e.g. from Urdu to English) who then interpret into their respective target language (e.g. from English to French, German, Italian, Nahuatl, Spanish, Welsh, etc.).

3.1.22
communicative event
encounter between two or more parties during which information is transmitted

Note 1 to entry: The speaker's intention, as well as the gestures, pauses, silences and tone the speaker uses can affect the transmitted information.

3.1.23
communicative setting
environment where an interaction between interlocutors takes place

[SOURCE: ISO 18841:2018, 3.3.1]

3.2 Terms related to language and qualifications

3.2.1
language
systematic use of sounds, characters, symbols or signs by which to communicate

[SOURCE: ISO 18841:2018, 3.4.1]

3.2.2
sign language
signed language
language (3.2.1) which uses a combination of hand shapes, orientation and movement of the hands, arms or body, and facial expressions

[SOURCE: ISO 18841:2018, 3.1.12, modified - Note to entry is deleted.]

3.2.3
spoken language
language (3.2.1) based on vocal expression

3.2.4
content
information in any form

EXAMPLE Text, audio, video, etc.

[SOURCE: ISO 18841:2018, 3.4.3]

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3.2.5
source language
language (3.2.1) from which *content* (3.2.4) is *interpreted* (3.1.1) or *translated* (3.1.6)

[SOURCE: ISO 18841:2018, 3.4.4]

3.2.6
source language content
content (3.2.4) to be *interpreted* (3.1.1) or *translated* (3.1.6)

[SOURCE: ISO 18841:2018, 3.4.5]

3.2.7
target language
language (3.2.1) into which *content* (3.2.4) is *translated* (3.1.6) or *interpreted* (3.1.1)

[SOURCE: ISO 18841:2018, 3.4.6]

3.2.8
target language content
content (3.2.4) that has been *interpreted* (3.1.1) or *translated* (3.1.6) from a *source language* (3.2.5)

[SOURCE: ISO 18841:2018, 3.4.7]

3.2.9
language proficiency
ability of a person to understand or communicate in a specified *language* (3.2.1)

Note 1 to entry: Language proficiency generally refers to speaking, listening, reading and writing skills.

3.2.10
authorization
third-party attestation of a person's right to provide a specialized service

Note 1 to entry: Authorization for *legal interpreters* (3.1.5) and *legal translators* (3.1.10) is conferred by a recognized authoritative body.

Note 2 to entry: In some countries, state/official authorization is referred to as accreditation, certification, credentialing, etc.

3.2.11
protocol
rule, official procedure or common practice that guides the conduct of members of a profession

EXAMPLE Taking an oath in court to perform accurate *interpreting* (3.1.2), using direct speech when interpreting, or adhering to the code of ethics of a professional association.

[SOURCE: ISO 18841:2018, 3.1.17]

4 Basic principles of legal interpreting

4.1 General

Legal interpreting shall be performed by legal interpreters meeting the requirements of Clause 5, following a relevant code of professional ethics and adhering to accepted professional practices, so-called professional interpreting protocols, which can vary by interpreting setting, and by country or region.

4.2 Nature of legal interpreting

As a specialization of interpreting, legal interpreting contributes to equal access to the law for all parties by facilitating communication between users of legal services who do not share the same

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