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Paper Title

**Research into legal translation for the Ministry of Justice and state authorities
presentation of the project TRANSIUS in Slovakia**

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Abstract

To ensure adequate translation services is one of the process rights of EU citizens. The creation of a separate theory of translation of legal texts is a topical challenge in this social context as well as within modern translation studies. The task of permanent increase in translation quality and level of legal text is closely combined with another challenge – professional education of translators and interpreters on academic soil, the increase of quality and level of education but also lifelong education of translators and interpreters aiming at enhancing the quality of translations.

The goal of the paper is to present a new project TRANSIUS in the Slovak Republic. The project was worked up in co-operation with the Ministry of justice of the SR that allowed for processing statistical data on the volume of translation and interpreting for state authorities. The project results will be used in the process of adopting new legislation on translation for state authorities as well as the control and checking the mentioned translation and interpretation activities.

The fundamental project goal is defining a theory of legal texts and enhancing the level and quality of legal text translations in Slovakia. Along with the evaluation of theoretical fundamentals the project team will explore the practice of legal translation in Slovakia by statistical collection of data available in the archive of the Ministry of justice and customers of legal translations on part of state authorities. The conclusions will serve the formulation of standards for translation and assessment of legal translation quality. Subsequently, the research will concentrate on the analysis of concrete aspects of legal translation that were not profoundly elaborated in professional literature such as stabilization of standards and conventions, professionalization of legal translation from and into less frequent languages with the focus on Slovak.

The presentation shall concentrate on finding answers also to the needs and interests of non-academic institutions and the way they can assist researchers as well as participate in academic research within the framework of the project.

1. Introduction

The project we introduce in this presentation starts from the thesis that scientific research should, apart from theoretical views upon the subject and generalisation of research results, also provide concrete incentives and stimuli in practice. Research should combine, if possible or necessary, data from practice and statistic research with theoretical analyses and consequently test the results in life or provide the outputs for professionalisation or stating standards of the given area by the respective competent institution.

Since October 1, 2013, the project *TransIus – From conventions to standards of translation in legal discourse*, is being implemented at the Philosophical faculty of Comenius University in Bratislava and the Philosophical faculty of Matej Bel University in Banská Bystrica. The project team consists of ten experts, translatoologists, linguists, pedagogues and practicing translators.

2. Project starting points

The international professional communication in the field of law, especially within the EU grows in importance and along with that, also the volume of translation in this area of professional discourse is on the rise. Ensuring adequate translation or interpreting services is one of procedural rights of EU citizens that can considerably affect the course of the proceedings before the authorities of the state.

2.1 The role of legal translation in Slovakia

Apart from other formal requirements, in order to be allowed to perform translating and interpreting services for state authorities with being entered onto the list of interpreters and translators of the Ministry of Justice, sworn translators in Slovakia have to pass a professional

examination, verifying their translating and interpreting proficiency, knowledge of language and technical terminology¹. The present-day offered education of sworn interpreters and translators concentrates on the knowledge of partial areas of the legal system of the Slovak Republic, the Act governing the interpreting and translation services for state authorities and the respective decrees, partially on ethics upon performing translation and interpreting job. This hence includes chiefly external aspects of performing these translation activities. Some institutions also deal with fundamentals of technical translation theory within preparatory courses, but these courses are not aimed at concrete language combinations. Occasional trainings only map selected, partial translation problems, usually in widespread languages.²

2.2 The state of art of the issues under research in international context

The project takes up activities of international scientific teams and the international professional organisation of legal interpreters and translators – EULITA, that initiated several projects in professionalization and improvement of translating and interpreting activity in the area of legal communication.

Starting from the mentioned project, we give some recommendations of an international working group that analysed the inclusion of legal translation and interpreting into the legal practice of individual member states, legal regulations of interpreting and translation for state authorities and quality assessment of interpreting and translating services, published under the name *Status Quaestionis* (2006) which are a stimulus into a discussion on the future of performing the translation and interpreting job in the context of state authorities.

Competent bodies of EU member states should:

- concentrate on relevant legal and ethical aspects of legal interpreting and translation and communicate them to contracting authorities of legal translations and interpreting with the

¹ More on the issue explained, e.g. GULDANOVÁ, Z.: *Tlmočník verzus prekladateľ podľa zákona o súdnych tlmočníkoch a prekladateľoch*. (2010)

² In this context we refer chiefly to activities of Interpreting institutes. Some of them offer systematic education in some languages (e.g. Prešov), some occasional continuation courses with various orientation, such as orthography of foreign names and names of countries, translation of official documents (e.g. Košice), or a minimum translation exam (e.g. Bratislava).

aim to prepare them in this way in order to include legal translators and interpreters into the smooth working system of state authorities,

- collect necessary information and data for a systematic planning of enhancing quality of legal translation and interpreting in practice,
- establish specialized training for legal translators and interpreters on university level education with a compatible structure in individual member states, hence enabling student exchange in relevant language combinations,
- focus on evaluation of quality of translation and interpreting activities. A proposed form of quality assessment include taking audio- and video records and subsequent evaluation by experienced translators and interpreters, who passed a specialized interpreter and translator education (Hertog, van Gucht, 2006 pp.189-200).

In this context, establishing a separate theory of legal text translation, inevitable to meet the crucial task – effecting adequate professional communication and achieving the communication goal is a topical challenge. Along with the assignment of permanent enhancing of legal text translation quality and level there is another challenge – eliminating the ambiguity of legal language terminology.³ Professional education of translators and interpreters in academic institutions, increasing quality and level of education but also lifelong education of translators and interpreters – university study graduates, aiming at an increase in quality of legal texts counts among important tasks.

The assignments resulting from the challenges mentioned can be achieved only in close cooperation of experts – linguists, translatoologists, translators, lawyers, pedagogues. Therefore this area deserves attention on the part of translation studies researcher community in every single EU member state. Efficient coordination of education and controlling translating and interpreting activities in the context of legal communication and targeted management of quality assessment of activities mentioned on national level as well as defining standards and

³ Compare VAJÍČKOVÁ, M., ĎURICOVÁ, A., KOSTELNÍKOVÁ, M., TUHÁRSKA, Z.: *Stilistische Prinzipien der Gestaltung administrativer und juristischer Texte. Am Beispiel deutscher, slowakischer und englischer Texte der Europäischen Union*. Nümbrecht : KIRSCH-Verlag, 2011. 153 pp. ISBN 978-3-933586-88-9.

educational possibilities in concrete language combinations would considerably facilitate an increase in quality of translating and interpreting services provided and hence made the activity of individual state authorities in contact with foreign language speaking citizens more efficient.

3. TRANSIUS project

The central project goal is to formulate a complex theory of legal text translation focused chiefly on Slovak as source and target language, translation in multilingual legal systems (such as in Belgium, Switzerland), the role of a single language working in several legal systems (such as German, Dutch, Swedish). To implement them, the accomplishment of the following partial project goals is inevitable:

- To compile a topical bibliography in the field of legal language and translation of legal texts, a list of links to relevant language technologies, organisations, text corpora and other similar information resources on legal translation that does not exist in Slovakia, based on a heuristic research of available resources and analytical-critical evaluation of the material obtained.
- To compile a theoretical basis for legal text translation by a selection of theoretical formulae from the field of translation studies.
- Formulation of specific qualities of translation of legal texts from and into less frequent languages.
- To formulate a set of elementary apparatus of concepts, applicable to translation from the working languages of project team members (English, German, Swedish, Dutch).
- Increasing quality and level of legal text translations.

3.1 Starting theses of project

To achieve the main project goal it is necessary to conduct research, which includes a wide range of work. **Here we start from the hypothesis** that for specific translation of legal texts, applying purely translational methods and approaches will not be sufficient, which results into an **interdisciplinary character of research**, combining knowledge from the area of legal linguistics, theory of legal translation as well as ethical and practice orientated aspects of legal translation. To translation didactics and legal translators working in the field of legal

communication of Slovak legal system this shall offer concrete incentives for a professionalizing and more efficient performance of translation jobs in legal context according to current trends in legal translation.

The second hypothesis results from the character of legal language and its ties to legal system. Based on specific qualities of legal language, which is no international language as in the case of other technical languages, but is bound to a concrete legal system, the **cooperation with experts – lawyers is of chief importance** for the project success. The analysis and interpretation of legal texts is an inseparable part of the process of translation which is closely connected with comparisons of legal systems. In this area, the cooperation with lawyers is indispensable for the project.

Legal translation is one of few areas of technical translation that is closely tied to the official language of the country in which the legal system works. In practice, the translator from or into a less frequent language, respectively faces a lot of specific problems, starting from a wide range of clients and text forms, over a scope of genres and fields or non-existing basic dictionaries down to a very restricted possibility to consult colleagues.

The third hypothesis, that forms the starting point of theoretical and practical research of the project team consists of the assumption that due to a huge diversity of terminology areas of texts placed as orders for translation, the translator of legal texts in combinations of less frequent languages, among which Slovak counts, too, is not often able to create high-quality translation aids that would facilitate his/her work in future and allow for a systematic storage of created equivalents as well as used parallel texts. Frequently, the translator has no general translation dictionaries and is thus restricted to provisional translation procedures such as applying parallel texts or piling up and comparing concept systems.

3.2 Methods and procedures

To achieve the target of the planned research as well as to reach partial results, above all the following activities shall be implemented, while applying mentioned methods and approaches:

In any research, it's necessary to start from hitherto knowledge published in professional literature. In Slovakia and also in Europe a bibliography in the field of legal text translation is missing. Hence it is inevitable to elaborate a publication which shall serve as a basis for further research.

- Applying the method of heuristic research, we will have to determine available relevant resources on legal translations on various data carriers (printed, electronic, mapping internal materials) that were often published only partially and complete a mosaic of the present-day translational reflection of legal translation in selected EU countries.
- Based on bibliographic results found, we will have to make a critical evaluation of the contribution of individual papers, identify inspiring resources, trends in research but also critically assess non-productive resources and identify gaps in the translational reflection of legal translation.

Upon compiling the theoretical basis for translating legal texts and defining specific features of translation of legal texts, the following methods will be mainly applied

- theoretic-descriptive,
- empirical,
- analytical
- and comparative.

This means that on the basis of compiled bibliography, inspiring stimuli and crucial tendencies in legal text research from the viewpoint of text linguistics, terminology but above all translational reflection shall be selected, described and evaluated.

One of the recommendations of international forums is to map the legal translation market in individual countries and Europe-wide and hence get a better picture of the volume of translations and the conditions of the work of translators and interpreters within legal communication. Starting from that recommendation, in cooperation with the Ministry of justice

of the SR the project team also included the task to establish the volume of translations made by sworn translators in Slovakia into their objectives. Along with the evaluation of theoretical starting points and available resources, the project team shall map the practice of legal translation in Slovakia by questionnaire and statistical research of data available in the archive of the Ministry of justice of SR and clients of legal translations on the part of state authorities. The retrieved data will be subsequently confronted with theory, while the conclusions shall serve the formulation of standards and norms for tackling translation problems and evaluation of quality of legal translations.

In order to map the legal translation market in Slovakia, the project team completed a research in the archive of Department of expert, interpretation and translation activity of the Ministry of justice of Slovak Republic. We have analysed extracts from translators' diaries which must be obligatorily send by translators to the Ministry two times a year. In the extracts, the number of translation jobs completed in the respective half of year for state authorities and the number of jobs for natural and legal entities.

The processed data will be interpreted in the context of technical translation market in Slovakia and will indicate specific features of legal translation market depending on the character and way of translating activity in the area of legal communication. The data will be of significance not only due to setting standards of translation activity by state authorities, but also from the viewpoint of preparation and professionalising further education of translators of legal texts and in the creation of translation aids.

By mapping the Slovak market of translations completed by translators on the list of the Ministry of justice of SR, the project team tries to determine gaps in the area of research. The results shall present a base for further research, within which conventions and standards will be defined, leading to a coherent theoretical groundwork in the field of legal translation, contributing to an improvement of quality of legal translations in Slovakia.

The focus of subsequent research shall be the analysis of legal texts and translations of legal texts, with a description of translational problems of legal text translations. To make these problems more objective, it will be necessary to establish and describe problems translators are

confronted with in the practice of translation, by means of a questionnaire and a comparative method. The research will show what methods and approaches are applied in practice, the evaluation and comparison of answers results into a list of most frequent problems in the translation of legal texts.

Consequently, the research will be focused on the analysis of concrete aspects of legal translation that have not been processed in professional literature, such as applying language technologies in legal translation, stabilizing standards and conventions, professionalising of legal translation from and into less frequent languages. This includes mainly the role of Slovak in legal translation, interpretation and translation of non equivalent legal terminology and legal terminology in specific contexts, with special focus on Slovak as source and target language of legal translation.

4. Conclusion

The required level and check of quality of jobs performed by translators registered on the list of the Ministry of justice of SR is defined by the respective law and regulations that standardise the activity of these translators. These regulations prevalently apply to technical aspects of the translation act. The assessment of translation quality, however, includes much more than just fulfilling the assignment due to given parameters, such as the date of finishing, extent, content completeness, formal aspect, etc.⁴

On the basis of scientific and statistical research of legal translation in Slovakia, the project should facilitate the process of professionalising and enhancing the quality of work of translators in the legal discourse by making the initial data and facts more objective, by a systematic analysis of partial aspect of the relevant activity and by completion of several translation aids for translators, students and researchers in the given field of technical translation. Previous research shows that the total volume of translations in individual languages is not directly dependent on the size of language due to the number of speakers. The volume of jobs is rather affected by business and sociopolitical relations and the position of the relevant language, chiefly with regard to national minorities in Slovakia or to contacts with neighbouring countries.

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Web resources:

- http://www.google.com.ar/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2Fwww.zbierka.sk%2Fsk%2Fpredpisy%2F491-2004-z-z-p-8097.pdf&ei=1VEpVJCVDCtNyQP1_oGYDg&usg=AFQjCNEMYauvR96w7rxHU7ZRA24Wjs46pA&bvm=bv.76247554,d.bGQ [Online]. [Cit. 2014-10-01].
- www.fphil.uniba.sk/transius [Online]. [Cit. 2014-10-01].

⁴ More on the mentioned problems see e.g. RAKŠÁNYIOVÁ, J.: *Cielená príprava na prekladateľské povolanie*. (2008) or RAKŠÁNYIOVÁ, J.: *Translatologické kompetencie adepta prekladateľstva*. (2009)